



Debates

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Wednesday, 13 December 2006

MR SPEAKER (Mr Berry) took the chair at 10.30 am and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

**Shadow Minister for Planning and Infrastructure; Dr Foskey
Motion of censure; expression of grave concern**

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning): I seek leave to move a motion of censure against Mr Seselja.

Leave not granted.

Standing orders—suspension

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (10.32): I move:

That so much of the standing orders be suspended as would prevent Mr Corbell from moving a motion of censure against Mr Seselja and an expression of grave concern against Dr Foskey.

This morning the government wishes to move a motion of censure against Mr Seselja for his misleading and untrue claims concerning the sale of block 8, section 48, Fyshwick. These are serious matters. In the past, whenever a censure motion has been moved or an attempt has been made to move a censure motion against a minister in this place the government has always granted leave for that to occur.

Equally, whenever the opposition has sought to move a motion of no confidence in a government member that request has always been granted. Today, when the boot is on the other foot, when the government is seeking to censure a member of the opposition for his or her failure appropriately to have regard to the processes of this place, the first reaction we get from the Liberal Party is, “No, we do not want to debate it.”

Opposition members are not prepared to face up to these serious claims. They now need to tell the Canberra community why they made false and misleading claims and why they continued to do so even when an Auditor-General’s report found that they were wrong. This morning opposition members should be granting leave for this censure motion to be moved. Their failure to do that—

Mrs Dunne: I take a point of order, Mr Speaker. Mr Corbell is debating the issue. He said Mr Seselja is wrong, which is not a reason for suspending standing orders.

MR CORBELL: That is not a point of order.

MR SPEAKER: I do not think that is a point of order, Mrs Dunne. I make the point that we do not need to drift too far into the debate. The reasons for the suspension are important.

MR CORBELL: I am simply making the point that whenever a censure motion has been moved against a minister in this place the government has always granted permission for that to occur. It has always done that. I am now in a position where I have to suspend standing orders to provide for that motion to be moved. When the boot is on the other foot, when serious questions must be answered by opposition members, they fail to allow this Assembly to move directly to the motion and we have to go through the procedural process that we are now debating this morning.

What is good for the goose is good for the gander. When it comes to the issue of whether or not a member should be censured in this place, opposition members should permit the motion to be debated forthwith. Instead we are going through a procedural process that the government has never put in place when a censure motion has been moved by opposition members.

In the last week of sitting a censure motion was moved against my colleague Mr Hargreaves. Opposition members sought leave to move that motion and the government granted them leave to do so. Why are opposition members not prepared to do the same thing now? What do they have to hide? Why are they so defensive in relation to this issue? We are prepared to debate these substantive matters.

Members interjecting—

MR SPEAKER: Order!

MR CORBELL: We are prepared to deal with censure motions and no-confidence motions. Why are opposition members not prepared to do so? Why do we have to go through this process of suspending standing orders so that we can move a censure motion against an opposition member?

Members interjecting—

MR SPEAKER: Order!

MR CORBELL: If opposition members want to withdraw their objection to the granting of leave I will withdraw this motion and we can move directly to debating the censure motion. It appears that opposition members are not prepared to withdraw their objection to the granting of leave. Instead, they are forcing the government to suspend standing orders this morning to move a motion that should be given precedence in this place. Censure motions have always been given precedence in this place.

Mr Stanhope: They always have been.

MR SPEAKER: Order!

MR CORBELL: Last week the Liberal Party, without any notice, moved a motion of censure against Mr Hargreaves. We accepted it and got on with debating it straightaway.

Mr Smyth: Mick's office was not informed.

MR SPEAKER: Order!

MR CORBELL: There was no obstruction and no delaying tactics; we accepted it and got on with debating it. Why are opposition members not prepared to do the same thing?

Question resolved in the affirmative, with the concurrence of an absolute majority.

Motion of censure and expression of grave concern

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (10.37): I move:

That this Assembly:

- (1) censures Mr Seselja for abusing the processes of the Legislative Assembly by making misleading and untrue claims concerning the sale of block 8, section 48, Fyshwick (the EpiCentre site); and
- (2) expresses its grave concern at the failure of Dr Foskey to publicly apologise to the community over inaccurate claims she made concerning the sale of block 8, section 48, Fyshwick.

Yesterday the Auditor-General handed down her report, which dismissed the three major claims made by the Liberal Party and the Greens in this place concerning the sale of block 8, section 48, Fyshwick. Let me put on the record what those claims were. The claims were that preferential treatment was provided to one bidder over others leading up to and following the sale of that site. The claims were that the taxpayer failed to get value for money for that site and that the marketing process associated with the site were inadequate and did not properly promote its full value.

Yesterday the Auditor-General in her report dismissed each and every one of those claims. Let me go immediately to what the Auditor-General found in her report. In relation to the matter of value for money, the Auditor-General found, having done her own valuation of the site after the auction so she had the benefit of knowing what the market was prepared to pay for the site, that the site was worth \$21 million at the highest end of the market.

We all know that the government, or the taxpayer, received \$39 million for that site—86 per cent more than the Auditor-General's valuation. So the claim that the taxpayer did not get value for money is false. Secondly, the Auditor-General dismissed the claim that any preferential treatment was provided to any bidder during the sale process. I refer members to what the Auditor-General found. She said:

ACTPLA afforded no preferential treatment to Austexx, or to any other potential purchaser.

She goes on to state:

There was no evidence of any actual or perceived conflict of interest, nor of any intention by LDA to mislead or restrict potential bidders.

The claim made by Mr Seselja, Dr Foskey and others that preferential treatment was provided to some parties over others has been found to be false. Finally, Mr Seselja is on record in this place as saying that the marketing process was flawed and failed to achieve a full return for the community. I again draw Mr Seselja's attention to the comments of the Auditor-General. She dismissed the claims that the decision to market the site as a bulky goods precinct was flawed, saying:

LDA's marketing strategy, which emphasised a bulky goods retailing opportunity, was consistent with market research prevailing at that time.

She went on to say:

Audit considers that it was unlikely that an alternative marketing strategy could have attracted significant interest from developers pursuing a traditional shopping centre-type development.

This third and significant claim by the opposition has also been shown to be false. Mr Seselja deserves censure today because for the past six months he has been conducting a campaign inside and outside this place, making claims that have been misleading and that have been shown to be completely untrue.

I now turn to the comments made by Mr Seselja in a media release dated 18 August 2006. We see in that media release that he continues to make claims even though it is becoming clear that those claims are untrue. In his media release entitled, "Minister afraid to open the Pandora's Box of Epicentre", Mr Seselja raised a series of questions, which I will address one by one. First he asked:

Did all the bidders get the same advice from ACTPLA and the LDA?

The answer to that question is, "Yes." He goes on to state:

Why did the LDA and ACTPLA apparently treat two different bidders in two different ways?

Let me again read what the Auditor-General found in relation to that matter:

ACTPLA afforded no preferential treatment to Austexx, or to any other potential bidder. ACTPLA endeavoured to maintain an appropriate balance between ensuring consistent information was provided to all inquirers, and ensuring commercial-in-confidence information provided by one bidder was not advertently or inadvertently transmitted to commercial competitors. Audit notes that it is not always easy to achieve such a balance.

On that claim Mr Seselja has been shown to be wrong in his allegations and he has misled the Canberra community in making such allegations. When Mr Seselja

responds to this debate he should say why he made such claims when he had no evidence to suggest that that was the case. That is where he has failed as a member of this place. He has misled the Canberra community, he has made untrue claims, and he has failed to back them up with evidence. If there were any evidence it would have been found by the Auditor-General in her report and it has not been. Mr Seselja went on to say:

Has the ACT missed out on tens of millions of dollars?

He said that again and again.

Mr Mulcahy: You need to table that, Simon.

MR SPEAKER: Order!

MR CORBELL: The implication is clear: the ACT missed out on millions and millions of dollars. Mr Seselja's strategy inside and outside this place was to imply that we had missed out on tens of millions of dollars. I state that that is clearly a falsehood. What does the Auditor-General say in relation to this matter? The Auditor-General confirms my statement by saying:

The auction price of \$39 million attained was well above that of an independent backcast valuation commissioned by this Audit which took into account various scenarios of mixed uses, including direct factory outlet (DFO) use. Further, as it was not the Government's policy intention to allow a major town shopping centre on the site, it is unlikely that the said land would have achieved a value of as much as \$60 million, as suggested by some interested parties.

Those are not my words, the words of ACTPLA, or of the LDA; those are the words of the Auditor-General. That is the Auditor-General's conclusion on the false and continual claims made by Mr Seselja inside and outside this place. Let us look at some other allegations made by Liberal Party members in this place. In a media statement on 29 July 2006 Mr Stefaniak said:

All Canberrans have a vested interest in knowing why one developer was apparently given more information than everyone else and why, as a result, lack of competition appears to have resulted in the Epicentre site being sold for around \$60 million less than it should have been if it had been advertised up front to all as a general retail site.

Mr Stefaniak confirms the strategy of his shadow minister. It is about emphasising that the level of return was inadequate and that a failure of process led to that occurring. What does the Auditor-General say? She said:

The auction price of \$39 million attained was well above that of an independent backcast valuation commissioned by this Audit which took into account various scenarios of mixed uses, including direct factory outlet (DFO) use.

Mr Seselja made another claim. On Monday, 29 May 2006, in a media release entitled "Epicentre like another town centre—Seselja", he said:

The site was marketed as a bulky goods site prior to its sale but the development application on the ACTPLA website suggests that in addition to bulky goods there will be a significant amount of small retail outlets on the site, making it more akin to a large shopping centre.

Contrary to Mr Seselja's claim, what did the Auditor-General say about this? She said:

Further, as it was not the Government's policy intention to allow a major town shopping centre on the site, it is unlikely that the said land would have achieved a value of as much as \$60 million, as suggested by some interested parties.

There it is in black and white. Mr Seselja was caught out making claims that have been shown to be manifestly untrue. He used this place deliberately to attempt to smear my reputation and the reputation of the government. An issue of most concern is that he attempted to smear the reputation of professional staff in the ACT Planning and Land Authority and the Land Development Agency, who have been shown by the Auditor-General to have conducted an auction and a sales process that:

... was in general conducted fairly and with appropriate accountability separately by LDA, as the vendor agency, and by ACTPLA as the planning regulator.

Mr Seselja stands condemned for his abuse of this place and for his continual campaign to misrepresent the true status and process involving the sale of block 8, section 48, Fyshwick, and this Assembly should censure him for that. Opposition members have a responsibility to hold the government to account but they also have a responsibility to do so in a responsible manner.

They have a responsibility to ensure that they make claims that they believe, at least in some respect, to be true and accurate and not to use the avenues and privileges available to them as members to continue to perpetuate claims that have no basis in fact. The real sin Mr Seselja committed is that he had no evidence to back up his claims. The Auditor-General has shown that to be the case.

In this censure motion I am also asking the Assembly to express its grave concern at the failure of Dr Foskey publicly to apologise to the community over inaccurate claims she made concerning the sale of block 8, section 48, Fyshwick. Dr Foskey has been more circumspect than Mr Seselja in this matter and for that reason the government does not believe she should also be censured. But Dr Foskey made a number of claims that have been shown to be untrue and she failed to acknowledge that she made a mistake, which is what she should do.

Mrs Dunne: I take a point of order, Mr Speaker. Mr Corbell just said that Dr Foskey made a number of claims that were untrue, which implies that Dr Foskey lied. I think that statement needs to be withdrawn.

MR CORBELL: No. This is a substantive motion and the words that I used were "inaccurate claim". I am allowed to make such claims in a substantive motion.

MR SPEAKER: It is a substantive motion.

MR CORBELL: I draw to the attention of members a letter that Dr Foskey sent to the Auditor-General in August this year. In that letter Dr Foskey states:

It would appear that legislation regulating the amount of allowable gross floor area, GFA, for general retailing on the site was inadvertently changed to allow far more floor space than previously permitted. This change was notified only to the ultimate buyer of the site—

Mrs Dunne: “It would appear”.

MR CORBELL: No, it does not say that. Her sentence states:

This change was notified only to the ultimate buyer of the site, giving Austexx an improper advantage over their competitors in the sales process.

That claim is demonstrably untrue. (*Extension of time granted.*) I draw to the attention of Dr Foskey the first finding in the Auditor-General’s report in which she states, unequivocally, that ACTPLA afforded no preferential treatment to Austexx or to any potential purchaser. So a member of this Assembly said that this change was notified only to the ultimate buyer of the site and that that gave Austexx an improper advantage over its competitors in the sales process. That claim is untrue.

Dr Foskey is good at holding the government to account when it makes a mistake. This is a serious accusation and she should have the courage to apologise to the community and to this Assembly for making such claims. Dr Foskey made another claim that is also extremely concerning. She said:

I am concerned that the actual sale price was far too low and that the ACT government may have foregone in the order of \$70 million in revenue as a result of bureaucratic incompetence or deliberate malfeasance.

Dr Foskey goes so far as to suggest the possibility of corruption. Does she have any evidence of this claim? Does she have any reason to suggest that corruption was a possibility in these matters? No, but she made the claim anyway; she put it out there. The use of such language must be done carefully and responsibly by members in this place and she failed to do so. If members want to suggest corruption they had better have a damn good reason for suggesting it.

The public servants in the ACT Planning and Land Authority and the Land Development Agency are professional, honest and accountable members of this community. For Dr Foskey to suggest otherwise is a grave breach of her responsibilities as a member of this place. To suggest that without backing it up smears those individuals. It is wrong of her to do so. She should apologise for her behaviour in this matter as well, and the Assembly should express its grave concern at her failure to do so.

The government welcomes the Auditor-General’s report and its findings. We welcome its confirmation that the sale process was conducted fairly and with appropriate accountability. We welcome its findings that the value for money for the taxpayer was 86 per cent higher than the Auditor-General’s own valuation, and we

welcome her confirmation that no preferential treatment was provided to any bidder throughout the sales process.

The only people who need to answer any questions today on this matter are Mr Seselja and Dr Foskey, not the government, for continuing to make claims, not just once but again and again, in a deliberate campaign to besmirch the reputation of the ACT Planning and Land Authority, the Land Development Agency, and this city as a place in which to invest and do business. They have abused the processes of this place. Mr Seselja must be censured on this matter and Dr Foskey must be sanctioned because of her failure to apologise for her serious and grave allegations.

MR SESELJA (Molonglo) (10.57): Mr Speaker this is an absolute stunt. We just heard from Mr Corbell—

Mr Barr: Just admit that you were wrong, Zed. Swallow some pride, Zed.

MR SPEAKER: Order!

MR SESELJA: We just heard from Mr Corbell and he did not even back up the first part of his motion. When Simon Corbell woke up this morning he was a little disappointed with the media coverage of the Auditor-General's report. So Simon Corbell is off the hook. The media almost had him but it could not quite pin him down. The headline on page 6 of the newspaper states, "Territory Plan clear as mud." When he was interviewed today by Ross Solly and Mike Jeffries he consistently lost the argument. He is losing the argument in public. He is now seeking to play it out and to abuse the majority in the Assembly.

Members interjecting—

MR SPEAKER: Order! Mr Seselja has the call.

MR SESELJA: He is abusing the majority in the Assembly in a way that is unheard of to try to regain some momentum on this issue. Mr Corbell, who has been on the back foot on this issue for several months, breathed a sigh of relief because this report is not quite as damning as one might have anticipated. Because Mr Corbell did not get the kind of coverage he wanted in the newspapers today stating good things about him, he uses his majority in the Assembly to attempt to censure me.

It will be an empty censure as only the government will support this motion, unlike the censure motions moved against him in the past by members of different political parties for persistently and unlawfully misleading the Assembly. That is what is at the heart of this censure motion. He is still smarting about that. In relation to the first part of the motion, Mr Corbell has not even managed to back up his claims. He said that I abused the process of the Legislative Assembly by making misleading and untrue claims.

Members interjecting—

MR SPEAKER: Order! Mr Seselja has the call.

MR SESELJA: He has not mentioned one untrue claim. He referred to a couple of questions with which the Auditor-General then totally agreed. He could not find one statement by me in the Assembly where I said any of those things. Produce the statement, Simon!

Mr Corbell: You know that is not true; I did not say anything.

MR SPEAKER: Order!

MR SESELJA: Mr Corbell said to us today that we should not keep this government accountable and that we should not put it under pressure. I will not apologise for keeping this government under pressure. For the past few months this minister has had his head down throughout this process. He has felt the pressure and now he says, "I will get my revenge by using the Labor Party majority in the ACT Assembly."

Mr Barr: You would not even stand up and ask a question yesterday.

MR SESELJA: This is a pathetic motion.

Mr Corbell: Why didn't you ask a question yesterday, Zed?

MR SESELJA: Because I wanted to see the Auditor-General's report.

MR SPEAKER: Order! I ask Mr Seselja to resume his seat. This is developing into a bit of a screaming match. I ask government members to maintain order. Mr Seselja has the call. I ask him to direct his comments through me.

MR SESELJA: Mr Corbell is saying to us, "Oppositions should not be asking hard questions." He resents the scrutiny he has had and he resents the fact that the Chief Minister has started to lose confidence in him. This week his beloved Land Development Agency was bypassed for the first time. Transport planning was taken from him because he wanted to persist with the busway. Land release policy has been taken from this minister because he has not done the job.

So this very defensive minister has been under incredible pressure. He did not get what he wanted in the media today so he wants to try to distract attention from Mr Barr's woes when he announces today how many schools will be closed. He wants to distract attention from what is in the report. In Mr Corbell's earlier pathetic performance he failed to provide one statement that I made in this place that was inaccurate.

I will refer to a couple of issues Simon Corbell stated publicly that have been refuted in the Auditor-General's report. Earlier this year during the estimates committee process Simon Corbell said that the bidders knew what they were buying and that it was clear to all parties what were the potential uses for the site. He went on to state:

All of the uses were very clearly spelt out to bidders before the auction occurred.

The Auditor-General had something to say about that. She said:

However, there was a lack of clarity in the related planning controls in the Territory Plan applied to the Lease and Development Conditions for the site. The clarity of the sale documents could have been improved with the inclusion of an appropriate interpretation of the Territory Plan in its application to the site.

So there we have it. During the estimates committee process Mr Corbell, under scrutiny, maintained that it was clear to all bidders, yet the Auditor-General found that it was not. Even after months of scrutiny the Auditor-General was unable to say what the proper land use was for this part of Fyshwick. The Auditor-General was unable to come to a conclusion. Part of the reason for that is:

An explanatory statement for Variation 175 to the Territory Plan tabled by the Minister for Planning in October 2002, which sought to explain the changes to the planning controls, was not in itself clear regarding exactly what had been amended.

The report goes on to state:

Audit formed the view that the current interpretation by ACTPLA of the Territory Plan ... as applied to Section 48 Fyshwick reflected the Authority's understanding of the Government's policy to increase diversity and flexibility in retailing. Unfortunately, this issue is not clear to key stakeholders, including the key industry body, who strongly believed that the focus of the Variation was to encourage industrial use and lower rent bulky goods retailing, but not general retail use.

In the absence of conclusive policy information supporting the final Variation 175, and given the differing legal advice from various sources about the possible interpretation of specific controls under the Territory Plan applied to 'shops', Audit is not in a position to determine the correct interpretation.

After all this the planning minister oversees a regime in which no-one is aware of what they can do.

Mr Smyth: Except Simon.

MR SESELJA: Except Simon. During the estimates committee process, when we were seeking to scrutinise this issue, the chief planning officer refused to give us his interpretation of the territory plan.

Mr Corbell: Tell us about preferential treatment.

MR SPEAKER: Order!

MR SESELJA: How is industry expected to be able to make commercial decisions when six months later the chief planning officer cannot tell us what is the situation? After months of investigation the Auditor-General still cannot tell us what is the situation.

Mr Corbell: You have misled the Assembly again.

Mrs Dunne: I take a point of order, Mr Speaker. Mr Corbell just said that Mr Seselja was again misleading the Assembly. That statement needs to be withdrawn. That is not the subject of the substantive motion. Nothing in this motion states that Mr Corbell has misled the Assembly.

Mr Corbell: No, there is not, because I have not.

MR SPEAKER: Withdraw that.

Mrs Dunne: Withdraw it.

Mr Corbell: The point I was making was that—

MR SESELJA: Withdraw it and sit down.

Mrs Dunne: Withdraw it!

Mr Corbell: On the point of order: the point I was making was that Mr Seselja continues to make untrue and misleading statements.

MR SESELJA: Which was the untrue statement? Point to it.

Mr Corbell: Mr Seselja said—

MR SPEAKER: I ask Mr Seselja to resume his seat.

Mr Corbell: Mr Seselja said that the chief planning officer of the ACT Planning and Land Authority was still unable to give a definitive definition of the interpretation of the territory plan.

MR SESELJA: He refused.

Mr Corbell: That is not true.

MR SESELJA: It is true.

Mr Corbell: I moved a motion of censure against Mr Seselja for making misleading and untrue claims.

Mrs Dunne: Sit him down, Mr Speaker.

MR SPEAKER: Order!

Mr Corbell: He continues to do so, Mr Speaker.

Mrs Dunne: Move a substantive motion.

MR SPEAKER: Order!

Mr Corbell: My motion seeks to censure Mr Seselja for abusing the processes of this Assembly by making misleading and untrue claims.

MR SPEAKER: Mr Corbell, you have a right of reply. I think you should withdraw that statement.

Mr Corbell: For the benefit of the debate continuing, I withdraw it.

MR SESELJA: He has to withdraw it unequivocally.

MR SPEAKER: He has withdrawn it.

MR SESELJA: We have had very helpful input from the planning minister. After speaking in debate for 20 minutes or more he still gets very touchy when he does not like what I am saying. Today Simon Corbell is objecting to the proposition—and his colleagues will support the motion—that the opposition should not be able to scrutinise the government. The opposition should not be able to raise questions or put forward documentary evidence and say, “Something is wrong here.” Mr Corbell has denied our fundamental claim.

Mr Corbell: But there wasn't. There wasn't something wrong with it; that is the whole point.

MR SESELJA: There was. Mr Corbell denied it and he continues to deny it. He is the only person in Canberra who thinks it was clear. The Auditor-General does not agree with him and none of the bidders agrees with him. This is the process that Mr Corbell thought was clear. Austexx, the winning bidder, wrote on five separate occasions either to ACTPLA or to the LDA seeking clarification of the land use. As late as December, one or two weeks before, correspondence was going back and forth between Austexx and ACTPLA relating to a proper understanding of the territory plan as it applied to this site. Yet Mr Corbell still maintains that this process was clear. No-one believes him.

Mr Corbell: And the Auditor-General says that as well.

MR SESELJA: The Auditor-General does not say that. The Auditor-General states very clearly that it was not clear. It should have been made clear. The minister should have added an addendum. He did not.

Mr Corbell: The Auditor-General says it was sufficiently clear for normal due justice. You are wrong and you know you are wrong.

MR SPEAKER: Order!

MR SESELJA: He was advised by his government to add an addendum and he did not. He failed to do so.

MR SPEAKER: Order! Sit down! I will not have this debate develop into a screaming match. Either you direct your comments through me, Mr Seselja, or I will order you to resume your seat. Mr Corbell, cease interjecting.

MR SESELJA: Mr Speaker, thank you. That would be unheard of, shutting down someone when they are responding to a censure. Mr Corbell has been consistently interjecting.

Mr Stanhope: Well, grow up then.

MR SESELJA: Grow up? That is very good, Jon.

Mr Stanhope: Act at least your age.

MR SPEAKER: Order!

MR SESELJA: Yes, yes. That is very impressive, Jon. Mr Speaker, what Mr Corbell did not want to get out here is the fact that he has been wrong. He has been stating that it was clear, and it simply was not. We saw that all through the process: Mr Corbell and his agencies have been so accountable in this process that they have sought to shut down scrutiny at every turn. At every turn, they have sought to shut down scrutiny. We saw them fighting to suppress documents in the AAT. We saw the extraordinary situation where we had a secret estimates hearing for the first time and Mr Corbell had to bring his lawyer along in order to answer questions. That is unheard of. That is how open he has been on this. That is how confident he has been from the start in the probity of this process: he has sought to shut down scrutiny.

He wrote to the planning and environment committee and said, “Don’t release those documents.” They fought them in the AAT. They had secret hearings in the estimates process. This has been a minister—

Mr Corbell: They were legal documents.

MR SESELJA: It was not just legal documents; there was a whole range of documents, a whole range of things they sought to suppress, which in the end we had to squeeze out of this government.

This minister has been afraid to face scrutiny on this. He has been obstinate in his approach, which is why the Auditor-General had to investigate. Then in the end we have a situation where the Auditor-General says that it is simply not clear what is in the territory plan. She even raises the prospect that the NCA is going to find that it does not comply with the national capital plan. It clearly should have been clarified. The report says that it would have been better to add an addendum. There was advice from the ACT government solicitor, prior to the auction, making that very suggestion. So they were advised: “Why don’t you clarify it? It’s not clear; so why don’t you clarify it?”

On some of the other points that Mr Corbell has raised he talks about no evidence. Well, we had a letter from ING asking for clarification of the territory plan. What

were they told? They were told, “Go and get your own advice. Work it out for yourselves.” Then we had a letter from Austexx. Then we had a letter from ACTPLA to Austexx, which came back and said, “We do not agree with your legal advice.” And what does that mean? (*Extension of time granted.*) When we have ACTPLA coming back to Austexx and saying, “We don’t agree with your legal advice which says you are limited to 3,000 square metres,” what is that actually saying to them? It says you are not limited to 3,000 square metres—the very same question, in broad terms, that was being asked by a number of bidders, including in documents produced by ING where they asked and were told, “Go get your own advice.”

Mr Corbell makes the spurious claim that I have put things forward without any evidence. Well, I produced evidence. And he makes the claim that I have somehow acted inappropriately in asking him questions, some of which have proven to be true, like the fact that no-one understood what was going on. And that is the fundamental thing here: no-one understood what was going on. And it certainly was not helped by ACTPLA.

Referring to the Auditor-General’s report again, on page 49 we have this statement from the Auditor-General:

... ACTPLA did not always provide a clear and responsive reply to legitimate and straightforward inquiries about specific planning controls, such as whether the land use controls apply to the whole of a lease or individual shops within the lease.

That was the fundamental question here. The fundamental question, the reason there was such a problem with this process, was that no-one really knew whether the controls were for 3,000 square metres total retail on a site or 3,000 square metres per shop. That was the fundamental question. And what did ACTPLA do? They did not provide clear and responsive replies to legitimate questions about this.

Doesn’t that go to the heart of this issue? Doesn’t that go to the heart and say, “Yes, many of the issues that the opposition have raised have actually been found to have substance by the Auditor-General.” It is here in black and white. Mr Corbell has produced nothing in this debate. He has produced nothing but a bunch of questions. He has produced not one statement that I have made that was misleading or inaccurate—he has failed to put it forward—and that is why this censure motion is pathetic. It is pathetic.

The Auditor-General goes on to say in relation to ACTPLA’s responses:

This is not consistent with good public administration or with a goal included in the ACTPLA “Code of Service”, which advises ACTPLA’s customers that ACTPLA will:

... Listen to you and look for practical ways of helping to resolve any issues you may have in dealing with us; ...

Provide information that is accurate, complete and easy to understand; ...

Well, Mr Speaker, they failed to do that. The Auditor-General says they failed to do that. Mr Corbell's assertions that there was nothing to back our claims are clearly wrong. What we have here, on the fundamental question that is being debated, is a minister who reads that—that his agency, the agency he established, has acted in a way that is not consistent with good public administration—and thinks that is a good outcome. This minister thinks that is a good outcome.

Mr Corbell: One sentence. Read the key findings, Zed.

MR SPEAKER: Order!

MR SESELJA: Well, one of the key findings is that there was a complete lack of clarity and that you should have clarified it. Did you read that finding? That is the finding that Mr Corbell has been denying all this time, Mr Speaker. What we have here is a minister who has made no case. I am going to read over the *Hansard*—everyone should read over the *Hansard*—and have a look at whether he made one substantive claim that would back this motion. There was not one substantive claim. He pointed to some questions I raised in a press release—unbelievable. It was unbelievable that we would ask questions of this government, that we would put forward propositions, some of which were found to be true!

This minister has continued to deny the fundamental proposition in this place and outside it. He is the only person in this town who thinks this was clear—that it was clear to all bidders and there was no problem. This minister has failed. He has failed in this process. He has allowed a situation to develop where no-one in industry understands what can be done under industrial land use policies in parts of Fyshwick. He has allowed this situation to progress. The Auditor-General has identified that and the minister refers to it as a minor recommendation—a minor recommendation that the territory plan actually is not working very well and no-one really understands it!

What kind of confidence can business have when the Auditor-General, after months of investigation, will not come to a conclusion; when the chief planning officer will not give us an answer as to his interpretation in the estimates committee, which was then shut down. Mr Speaker, they cannot have confidence.

This report is not an exoneration—it is far from it—and this censure motion has not been backed with a scrap of evidence. It has not been backed with a scrap of evidence by this minister. It is his pathetic attempt to divert attention from the government closing schools and from the fact that he has failed in this process. The business community and the general community continue to mistrust this government on planning issues and they continue not to have confidence in the processes that he has put in place. His Chief Minister does not even have confidence in him, because he is taking some of the key levers away from him; he is overriding his Land Development Agency and he is gradually taking some of the controls away from this planning minister.

This motion should be opposed. It is an abuse of majority government. All those who are going to vote for it are voting for something that has not been backed with a shred of substance.

DR FOSKEY (Molonglo) (11.18): Mr Speaker, earlier this week my office sent a copy of my letter to the Auditor-General to Mr Corbell's office, partly to explain to them that a statement attributed to me in an article in the *Canberra Times* was something that in fact we did not say. Clearly it was something the journalist wanted us to have said and tried to get us to say. So, in fact, the spirit in which this letter was sent to Mr Corbell's office was to let him know what we really wrote to the Auditor-General.

That letter puts together the substantive concerns that I have had over this process since it first arose. We will remember that it arose in an estimates committee hearing. It seemed to me at the time that writing to the Auditor-General and asking her to do an audit and an inquiry into this process was the best way of moving it out of the political arena, at least for a while, and, most particularly, getting the answers to the questions that we had.

Of course this motion of Mr Corbell's will get through, but it will be wrong to say that this Assembly agrees to paragraphs (1) and (2). It will be this government that does so. I regard it as a fait accompli that paragraph (2) will just get through. Nonetheless, I am still going to take my 10 minutes and explain why I did not jump to Mr Corbell's command that I "publicly apologise to the community over inaccurate claims that she made concerning the sale of block 8, section 48, Fyshwick".

The perspicacity of Mr Corbell to choose two sentences from my letter where it has been proven I was wrong! Surely that is why we have the processes that we have. We have robust processes that allow scrutiny of government and their processes. When the government was in opposition I am sure that it applauded itself. Those processes have done what they should and a report has been produced that everyone will be able to use for their own purposes. We are already seeing that today. I suppose that is the essence of a successful report, in government terms.

I will say that I was wrong. The Auditor-General's report has shown that I was wrong in the statement, "This change was notified only to the ultimate buyer of the site". It is that word "only" that is wrong there. But at the time this letter was written there was concern being expressed by many in the community that this may have been the case.

The second concern that Mr Corbell expressed, both today in the house and yesterday to me personally, is that he believes that I was accusing the government and various officials of "bureaucratic incompetence or deliberate malfeasance". This is where the politics comes in: you take a sentence, you leave out certain bits or you put a certain interpretation on it, you say that is the truth and then you goad the person for saying it. What, in fact, I did say was that I was concerned—

Mr Mulcahy: Are you misleading again, Simon?

Mr Corbell: I raise a point of order, Mr Speaker.

DR FOSKEY: that the actual sale price was—

MR SPEAKER: Order!

Mr Corbell: Mr Speaker, Mr Mulcahy just made a comment that I was misleading again.

Mr Mulcahy: No, I said “are you”.

MR SPEAKER: Well—

Mr Corbell: That is an imputation—clearly an imputation, Mr Speaker—and Mr Mulcahy should withdraw it.

MR SPEAKER: I did not hear you say that, Mr Mulcahy, but, if you said that, it might be economical for you to withdraw it rather than have me look at the tape.

Mr Mulcahy: Yes, Mr Speaker. I know that to state that would have been inappropriate, but I simply asked the question.

MR SPEAKER: Well, did you say it?

Mr Corbell: It is an imputation.

Mr Mulcahy: I just said, “Are you misleading?”

MR SPEAKER: Well, that is an imputation. Withdraw it.

Mr Mulcahy: All right. I withdraw the imputation.

MR SPEAKER: We have got a substantive motion before the chamber. Members can refer to what the substantive motion says at any time. To stray outside that motion with stronger imputations I think should be avoided.

DR FOSKEY: Anyway, just to sum up: there is absolutely nothing in that letter that says that I believe that anybody involved was actually the result of bureaucratic incompetence or deliberate malfeasance.

Mr Stanhope: If somebody said it about you, you would think there was something in it—that you were either incompetent or corrupt.

DR FOSKEY: The word “corruption” was never even mentioned. Later on when we get to the next debate on this issue we will talk more about the report. But Mr Corbell made three comments accusing, I think, both Mr Seselja and me. Firstly, he said that we accused the agencies of preferential treatment. That is not there in that letter—and by the way this is a letter to the Auditor-General; it was not a public document. I just do not see where this requirement for me to apologise to the community comes from. I apologise to you if you feel I have made imputations that are incorrect. But I feel that I am just doing my job, basically.

In terms of preferential treatment, paragraph 2.85 on page 32 of the Auditor-General’s report states:

LDA did not communicate certain relevant planning information to all registered bidders, as expected under better practice. This led to a claim that some parties received preferential treatment.

So there you go; it is there in the report. The second issue was that the taxpayers failed to get full value. But we still do not know, even after this Auditor-General's report, what the value gain would have been if all the potential bidders had known that it was allowable on the site to have a 45 per cent-plus retail and a direct factory outlet. We do not know that, and the Auditor-General does not hazard a suggestion as to what that might have been. I agree that \$70 million, which I mention in my letter, might have been way out of field, but that was the figure; it was a figure that was around at the time that I wrote this letter.

The third issue was that the marketing process was inadequate. Let us remember that the site was marketed as a bulky goods opportunity. Let us not forget that. That is the basic issue. That is where the crux of it was. That was what came up in estimates and I think I had the right to be concerned. Obviously I took a different tack from Mr Seselja and the Liberals. I am certainly not partisan in this debate. I have no favouritism for any developer over another; I certainly tried to keep out of that part of the debate and not to look as though I was supporting particular developers.

This motion might go through as it is, but I really cannot say that I would have acted any differently. Had I known all the details I know now from this Auditor-General's report, I would not have written that letter, but I could not have known that unless this report had been prepared. So I think it was fair enough to write that letter. I did not have all the facts at the time. We still do not have all the facts—but we have an examination process which I think is quite robust.

MR STEFANIAK (Ginninderra—Leader of the Opposition) (11.27): Mr Speaker, It is typical of the government, and not surprising, to try a stunt like this. Mr Corbell was around when he was in opposition and trying to keep the then government accountable, and I can think of some at times quite disgraceful imputations and allegations made against the then Chief Minister Kate Carnell over such things as the hospital implosion and, indeed, things like Bruce Stadium.

The boot is on the other foot now and we have a shadow minister and Dr Foskey, who have, rightly, in their respective roles been asking a series of questions over a series of months in relation to a most important sale in relation to a number of most important issues that face the territory. Planning issues are important, as are issues in relation to proper process, issues in relation to the government getting value for money and issues in relation to being able to understand such things as the territory plan.

The minister has brought so much of this on himself. He might think, "Oh, yes, this report vindicates me," but if you read it there are some very serious issues that the government need to respond to and take on board. There are also some issues that we have not seen the last of yet, because the ACT government and this Assembly are not the only players in this particular equation.

Mr Corbell made a number of comments in the past which quite clearly have been countered by this report. At estimates on 21 June 2006 in relation to the bidders he said:

They knew what they were buying and it was clear to all parties what the potential uses were for the site.

And then again he said that all of the uses were very clearly spelt out to the bidders before the auction occurred. That does seem to be somewhat different from what we have in the actual report. I will be reading out sections of the report shortly because it quite clearly shows that this government still has a lot more work to do and that there are some very, very important issues in relation to this.

In relation to the process, Mr Seselja has quite properly been doing his job. The minister read out a series of questions that Mr Seselja was asking. It is the job of an opposition to ask questions. It is the job of a government to respond and to ensure that its processes are right. Indeed, Mr Corbell did seem to take a very defensive tack in relation to a lot of this all the way along the line.

So much for open and accountable government; so much for the boast of this government that it would be different from previous governments in being consultative, in being open, in being accountable! I do not think we have seen a more secretive, less accountable government since we have had self-government, and I wonder why. It is probably because they are the first majority government and they are very arrogant as a result of that.

The *Canberra Times* has written a number of articles on this. It is certainly a paper I do not necessarily agree with but I think it does make some relevant points for this debate in an editorial headed “Auditor’s finding: it’s no Snow job”. It goes through a series of chronological events ending up, halfway down the page, with the Supreme Court action. It says:

The reaction of the ACT Government in blocking public scrutiny of Assembly estimates hearings on the sale only lent weight to Snow’s allegations that Austexx had received preferential treatment. Further, it suggested that Snow was perhaps being punished for instigating large-scale developments at the airport without regard for the Territory Plan and the National Capital Plan—indeed, Planning Minister Simon Corbell has expressed some annoyance of Snow’s activities, even though such developments are perfectly legal and proper under the terms of his ownership of the airport.

Snow’s relentless campaign paid off in August, when Auditor-General Tu Pham announced an investigation into the auction. The results of that investigation, issued yesterday, suggest that Snow had some cause for dissatisfaction over the way the auction was conducted. But she drew no conclusions about the ACTPLA’s decision to approve development of the site as a retail site.

The auditor found that ACTPLA had not given preferential treatment to Austexx or any other potential bidder and that there was no evidence pointing to the LDA misleading or restricting bidders. However, she pointed to weaknesses in the sale process: sale documents that were not specific about planning controls or

information, and a lack of cooperation between ACTPLA and the LDA regarding the communication of useful information to all registered bidders. But perhaps the most telling criticism was her comment that “many key stakeholders, including industry groups, appear to have an understanding of the Government’s land-use policy that is different to that held by ACTPLA”.

If it is indeed the Government that has fallen out of step, then further planning scraps can be expected. As it is, Corbell can feel some relief out of this outcome. But it is not a complete exoneration.

This unedifying spectacle of legal challenges, tribunal hearings, claim and counter-claim again illustrates the difficulties of administering overlapping, often competing, planning jurisdictions in Canberra. The proper disposal of public land requires the highest standards of governance, and while the auditor says that the \$39 million return at Fyshwick was well above initial evaluations, she also suggested that the LDA’s approach to valuing the block represented a risk that the reserve price was undervalued.

A Government fond of telling voters the cupboard is bare should ensure its agencies extract full value from public land sales.

Clearly, there are some considerable concerns there in relation to this particular issue. Indeed, the report itself at page 9 states:

Various inquiries to ACTPLA indicated that there was some level of uncertainty regarding the planning controls applied to the site. Better practice would have required ACTPLA and LDA jointly to clarify this issue before the auction.

As the lack of clarity regarding the interpretation of aspects of the Territory Plan, particularly the permissible uses of industrial areas or land use restrictions, remained after the land sale, ACTPLA should consider the merit of further clarification of the industrial land use policies.

Legal advice examined by Audit offered different interpretations of the relevant land use control in the Territory Plan. In addition, Audit did not find conclusive documents during the development of Variation 175 to the Territory Plan, to indicate a clear policy intention to relax the 3 000 square metre limit per lease for shops other than bulky goods retailing. Accordingly Audit was unable to offer a conclusive interpretation of this aspect of the Territory Plan and thus of the particular permitted general retail use of Block 8 Section 48, Fyshwick (and other Precinct ‘b’ industrial land).

Clearly there are some very significant problems. We are dealing here with a very substantial development. We will be dealing in future with other various substantial developments. The opposition, through its planning spokesman, is quite right to question these. That is the role of opposition and he will continue to do so because our job is to keep the government accountable. It is a very secretive government. Had it been a little bit more open and accountable, we might not necessarily have got to this stage. Maybe we might not have got to this stage, but I doubt it.

There are a number of issues yet to be resolved because on page 10 the report states:

Audit did not examine and form an opinion on the impact of the approved Austexx development on the ACT retail hierarchy, or its consistency with the National Capital Plan.

Another article in the *Canberra Times* says that the jury is still out on that one. They have not reported and audit understands that following ACTPLA's approval of the Austexx DA the NCA is conducting an assessment of this matter itself. So the jury is still out there.

There are some other significant issues. I think the points made by the auditor at page 49 at points 3.88 and 3.89 are also somewhat telling:

ACTPLA has a responsibility to provide clear and unambiguous advice to the community about planning matters. However, Audit observed that in dealing with inquiries during the sale process, ACTPLA did not always provide a clear and responsive reply to legitimate and straightforward inquiries about specific planning controls, such as whether the land use controls apply to the whole of a lease or individual shops within the lease.

It is really very basic stuff indeed, crucial to this particular sale. The auditor goes on to say:

This is not consistent with good public administration or with a goal included in the ACTPLA 'Code of Service', which advises ACTPLA's customers that ACTPLA will:

... Listen to you and look for practical ways of helping to resolve any issues you may have in dealing with us; ...

Provide information that is accurate, complete and easy to understand; ...

The auditor goes on:

For example, inquirers were typically advised to carry out their own commercial due diligence and to rely on their own judgement. A more responsive approach might have identified a general theme among the inquiries and sought to deal effectively with that matter in a manner that was 'accurate, complete and easy to understand'. Both ACTPLA and LDA would serve the public better if they have provided, as an addendum to the sale documents, an appropriate and clear interpretation of the specific planning controls of the Territory Plan as applied to the site.

Mr Speaker, this motion by the minister is a nonsense. It will be carried because the government have the numbers, but quite clearly what it does is censure a man who is doing his job properly.

Mrs Dunne: Nobody is jumping to support Mr Corbell.

MR SMYTH (Brindabella) (11.38): Yes, it is true: nobody is jumping to Mr Corbell's support on his side. It is interesting that when this debate started all on this side paid attention. What did the Deputy Chief Minister do? She was doing

Christmas cards and then she left. That is a sign of the support that Mr Corbell has from his colleagues. And let's face it, Mr Deputy Speaker: this is all because Mr Corbell is upset. Mr Corbell did not get the media he wanted overnight that would vindicate him. Mr Corbell is having a hissy fit today because he thinks that he has not been cleared totally in the eyes of the community. He knows it in his heart.

It is interesting that he comes out swinging. He says, "Yes, we're going to censure Mr Seselja for abusing the processes of the Assembly," but does not quote anything that actually happened in the Assembly that shows the abuse. Where is the evidence? These motions need to be proved on evidence—and there is no evidence except the evidence that Mr Corbell's pride is injured.

Then he attacked Dr Foskey. Why didn't he add WIN News? The WIN News coverage last night was not complimentary to the minister, so why don't we have a paragraph (3) censuring WIN for misleading, and then a paragraph (4) censuring the ABC news coverage? The ABC news coverage did not support Mr Corbell; so we could have a paragraph (4) censuring the ABC. Then we could have paragraph (5) for the *Canberra Times*. The *Canberra Times* has said: "But it is not a complete exoneration."

Mr Corbell has not been exonerated by this report, and no matter how often he says it and how often he thinks it, the reality is that he has not. So let us put the *Canberra Times* editor on this list. And John Thistleton? He is well and truly off the Christmas card list because in his article this morning he throws up no doubt. John Thistleton says:

A key finding of the inquiry was that the sale reflected a weakness in the communication process ...

A weakness: the key finding; so John Thistleton is off the Simon Corbell Christmas card list. The property council are going to be off the list too. What did they say? The property council noted that the LDA did not communicate certain relevant planning information to all registered bidders as expected under best practice. So the property council will be off the Christmas card list. This is why Mr Corbell does not have to do his Christmas cards in the Assembly: he is not writing any because they are all off the list. On 2CC this morning Mr Seselja came back and refuted everything Mr Corbell said. So 2CC are off the list. Then there was Ross Solly on 2CN this morning, so they are off the list.

"Why don't these people understand that I am not guilty?" Because they have read the report, Mr Corbell! They have read the report. You made claims today about misleads, Mr Corbell, and you wonder why people do not believe you. Well, they do not believe you because you have got form. There is a litany of Mr Corbell's time in this Assembly. For instance, on 22 May 2003 Mr Corbell was found to be in contempt of the Assembly as the result of a 30 November Select Committee on Privileges that found that there was contempt. That is why nobody believes you, Mr Corbell.

Then on 18 November 2003 the Assembly passed a motion resolving: "That this Assembly expresses grave concern in the Minister for Health for being found to be in contempt". On 23 September 2003 the Assembly passed a motion censuring

Mr Corbell for his failure to negotiate. Then, of course, on 24 June 2004 the Assembly passed the following censure motion: “That the Assembly censures the Minister for Health and Planning—

Mr Corbell: I raise a point of order, Mr Speaker—

MR SMYTH: for persistently and wilfully misleading the Assembly” on a number of issues.

Mr Corbell: on relevance, Mr Speaker. The motion is about the censure or proposed censure—

MR SMYTH: It was about misleading.

Mr Stefaniak: It brings your character into—

MR SPEAKER: Order!

Mr Corbell: This is not a motion about my character.

MR SMYTH: Well, it should be.

Mr Corbell: and if you wanted to make it about my character, move a motion. But it is entirely about Mr Seselja’s character, Mr Speaker, and I ask you to draw Mr Smyth’s attention to the standing order relating to relevance.

MR SPEAKER: Yes.

Mr Seselja: Mr Speaker, on the point of order: what we are talking about here is whether or not a member of this place should be censured. It is quite appropriate for a member to raise the circumstances in which members have previously been censured so that members can make an informed judgment as to how they should vote, which I am sure all members of the Labor Party will be doing.

MR SPEAKER: Yes. Continue, Mr Smyth.

MR SMYTH: Thank you, Mr Speaker. Thank you for validating that what I am saying is absolutely appropriate in this time.

MR SPEAKER: I do not get involved in the debate so I am not validating anything.

MR SMYTH: Mr Speaker, it is interesting, and you raised this issue before, because the Auditor-General actually goes to that whole issue. On page 9 she says:

... LDA did not feel bound to communicate to all registered bidders certain relevant planning information provided by ACTPLA. This led to a claim that some parties received preferential treatment.

In the context of the way that this minister has administered his portfolio and the record that he has in the community, it is absolutely appropriate to read the litany of

motions of censure and of no confidence against this minister because it is what leads people to doubt what he says.

I just want to put one more doubt on the record. During this whole process in the estimates, Mr Corbell was asked a question by Mr Seselja, and he has responded by saying:

Secondly, shopping centres have large components of food retailing—for example, food courts and so on. These are also explicitly excluded from this site—

That was the EpiCentre site—“explicitly excluded”: those are Mr Corbell’s words. He continued:

So the comparison with a shopping centre is a false one, a misleading one.

So if there is a shopping centre there, it must be a mislead; somebody would have misled. He continued:

In that regard I think your argument, Mr Seselja, just does not hold water.

Mr Seselja came back and said:

Could I table the development application to the EpiCentre? It does have a food court. I do not know whether you want to correct that, but my recollection of what you said was that it does not have a food court, and that was one of the differences. Clearly the map shows that it does.

I seek leave to table part of the approved DA for the EpiCentre that has, smack damn in the middle of it, Mr Speaker, a food court.

Leave granted.

MR SMYTH: I table the following paper:

EpiCentre—Proposed bulky goods and DFO retail development, Canberra Avenue, Fyshwick—Ground floor site plan.

Thank you very much, members. Mr Corbell would be well aware that the code of conduct for ministers says that ministers should take reasonable steps to ensure that the factual content of statements they make in the Assembly are soundly based and that they correct any inadvertent error at the earliest opportunity. It says “the earliest opportunity”. Has Mr Corbell corrected the fact that he told—

Mr Corbell: I raise a point of order, Mr Speaker.

MR SMYTH: the estimates that there was no food court?

MR SPEAKER: Order!

Mr Corbell: I raise a point of order, Mr Speaker.

MR SMYTH: No, he has not.

Mr Corbell: Mr Speaker, the imputation is by Mr Smyth that I have misled the estimates committee. He knows that he can only make such imputation by substantive motion.

MR SMYTH: Look at the record.

Mr Corbell: He is now clearly saying that I have not abided by the ministerial code of conduct. If he believes that, he should move a substantive motion to that effect, not make the imputation and try and get away with it through some snide off the cuff remark.

MR SMYTH: What is the point of order?

MR SPEAKER: If there is an—

MR SMYTH: Was there an imputation?

MR SPEAKER: I will have a look at the transcript. If there is an imputation that Mr Corbell has misled the committee process, I think you ought to withdraw it.

MR SMYTH: I do not believe I have made any imputation at all, Mr Speaker.

MR SPEAKER: Well, I—

MR SMYTH: I will withdraw. You can check if you want. Just to aid the process and stop the wasting of time, I am happy to withdraw.

MR SPEAKER: If you withdraw, I will not have to bother.

MR SMYTH: I will withdraw just to save you all that work, Mr Speaker.

MR SPEAKER: Thank you.

MR SMYTH: But then we go on. During the same process Mr Corbell was asked, “Was everybody told the same information?” Mr Corbell’s response was, “My understanding of the LDA’s process is that, where advice is sought by one party, it is provided to all parties.” That is the nub of the issue here: who got told what, when and by whom? What did the auditor say? She said:

The LDA did not feel bound to communicate to all registered bidders certain relevant planning information provided by ACTPLA.

There it is in black and white. The minister said one thing and the report found a different thing. For Mr Corbell to come in here and say that Mr Seselja has been making misleading and untrue claims is just a joke in the course of the day. This is all about injured pride. He did not get the TV; he did not get the grab. And the doubt just hangs there.

This afternoon Mr Seselja, the shadow planning minister, is going to open a new facility in Gungahlin—the quickest growing part of the country in terms of planning—because they would not invite Mr Corbell. Mr Seselja, the shadow planning minister, is opening functions. Based on his record and the things that have gone on in the past, I do not believe that there is confidence in Mr Corbell out there in the community. What we have got is the lingering doubt. The NCA is yet to enter this fray. The NCA is looking at whether or not this is consistent with the national capital plan.

If one looks at what is put before this place by Mr Corbell, one sees that there is no evidence. If one looks at the processes that Mr Corbell has been involved in in the past, one sees that, if there was no doubt before, there is certainly doubt now about the way that he handles the planning portfolio. You can already see the Chief Minister moving away from him. He is taking the land release policy off him.

Mr Seselja: Taking transport off him.

MR SMYTH: He is taking transport planning off him. He has already lost health. He has already lost education. There is not much more he can lose. He is hanging on, by Jove. But to go to the nub of this, let me go to Erskine May. (*Time expired.*)

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts) (11.48): Mr Speaker, this is a serious motion. It is the type of motion that governments are loath to move. Indeed, this is the first occasion in this Assembly on which the government has found it necessary to move a censure motion. It is an indication of how seriously we take the behaviour of Mr Seselja that this is the first time in this parliament that the government has thought it necessary to move to censure a member of this place. It is a serious issue, and its seriousness is reflected in the fact that this is the first time we have done it.

The extent to which Mr Seselja and the Liberal Party have gone out of their way to undermine and demean the formal planning processes within this territory, not to seek transparency and accountability, but for patent political advantage at whatever cost to the reputation of ACTPLA, at whatever cost to the reputation of the LDA, at whatever cost to commercial underpinnings of the development of the ACT and its economy, demands and deserves most serious censure. We would not have done it—we have never done it before—but for its seriousness. And that seriousness is reflected in the fact that the successful bidder, who has now been embroiled in the scandal generated by Mr Seselja, is a significant national company making its first investment in the territory.

Let us not ignore some of the implications of this campaign to generate scandal. The innuendo around malfeasance and inappropriate action, the creation of a discussion around corruption and the implications for the reputation of Canberra as a whole, the suggestion that there is not a level playing field in the Australian Capital Territory, the suggestion that some bidders for some land for some developments are given preferential treatment, and the suggestion that information is wilfully withheld from

other developers are the basis of the campaign which Mr Seselja and the Liberal Party in this place have run.

The campaign that you have run, that there is not a level playing field, that the government, through its agencies, provides preferential information and preferential treatment to preferred developers for preferred developments is absolutely scandalous. That was the environment that you have created. Austexx is a major national company prepared to buy land in the Australian Capital Territory for the first time. In its first investment, its first foray into the territory, it was prepared to bid \$39 million—

Mrs Dunne: And your planning minister stuffed it up!

MR SPEAKER: Order, Mrs Dunne!

MR STANHOPE: It was prepared to invest \$100 million on that site and prepared to employ hundreds of Canberrans in its business. And you think it is okay to put that at risk! Have you asked yourselves what Austexx think of the ACT now as a result of the exposure that you have forced on them, the suggestion that you have made that they were party to the receipt of preferential treatment, that this is how they as a business, as an organisation, as a significant national company disport themselves? You might think all is fair in politics, that you can say and do whatever you like about the government and its agencies, but you did not hesitate to draw into this web a significant national company, Austexx.

All is not fair in politics. Be under no apprehension that the officers within those organisations, within the LDA and ACTPLA, are not an identifiable group. You cannot cast aspersions on those organisations and pretend to yourselves that they are amorphous organisations, that you are not identifying anybody by name and therefore it does not matter. There is a group of officials within ACTPLA and within the LDA who were exclusively devoted to this project. They are an identifiable group. They know who Dr Foskey means when she calls them incompetent or corrupt—something that Dr Foskey dismisses as simply her doing her job. Let us not actually trick ourselves with fancy legal words like “malfeasance”. The definition of malfeasance in *Butterworths Australian Legal Dictionary* is:

The doing of a wrongful act, whether a tort or a crime.

It is the commission of a crime. Dr Foskey, you cannot seriously suggest that it is appropriate, in correspondence, without a single shred of substantiating evidence, to refer to officers within ACTPLA and the LDA as incompetent or corrupt. You do not name anybody; nevertheless you identify those officers. They can self-identify and they are identified by their peers in those organisations. Dr Foskey uses the classic line: “I just wanted to know what the facts were. Auditor-General, I think officers in the LDA or in ACTPLA are either incompetent or corrupt. They are one or the other.” We have now discovered through the Auditor-General that they are not corrupt. In the eyes of Dr Foskey, they are simply incompetent; there is nowhere else for her to go.

They are not incompetent or corrupt, and the fact that you leave that allegation on the record is quite disgraceful. These public servants, these human beings, have been affronted and defamed—I believe in an actionable way—by your suggestion that they

are either incompetent or corrupt. As far as I am concerned, Dr Foskey, that is an actionable defamation. You have identified a group of public servants as either incompetent or corrupt. You should do the right thing. You should at least apologise. When I reflect on the nature of your allegations, I am not sure whether the motion should not perhaps have been rather stronger than it is.

Mr Seselja now seeks to use the classic Pontius Pilate response: “I was just doing my job. I was not creating an atmosphere. I was not out there actually spreading information or a message or creating a scandal that has no basis in fact.” I have not been through the *Hansard* yet—I am happy to do that—or the transcripts of Mr Seselja’s leader interviews. All we have at this stage are his press releases, and I would imagine they are the most benign of all his public statements. But it is on the record.

Let us go to his press releases. This has been a year-long campaign to create and generate scandal, to seek to embroil the minister and agencies of this government in scandal with subtle suggestions and subliminal messages of corruption, a lack of probity, a desire to do deals for mates, actually to upset the planning regime, its rigour and its absolute integrity—an integrity that has never before been questioned whilst we have been in government. And it has worked. I have seen the letters to the editor saying that this is a corrupt process and commenting on allegations of corruption in relation to EpiCentre. You have tainted the process. The mud has been spread. It has been smeared and it can never be completely cleaned.

The Auditor-General has gone part way to remedy that. Her opinions, which you have conveniently ignored, are the opinions that matter. You have ignored the opinions. You have gone to some fine print—

Mr Seselja: I quoted from the opinion.

MR STANHOPE: Read the opinions:

LDA had appropriate policies and procedures in place ...

Documentation relating to the sale was sufficient to enable bidders to conduct normal commercial due diligence.

That is the bottom line. The documentation was sufficient to conduct normal due diligence. You obviously do not understand what that means. But we do understand what Mr Seselja’s press releases mean. In a press release of August this year, he alleged that the LDA and ACTPLA treat different bidders in different ways. There it is in writing that the government did not get the return it deserved for this particular site. This motion should be passed. (*Time expired.*)

MR MULCAHY (Molonglo) (11.58): Mr Speaker, the theatrics we have just witnessed do not sit very well with the facts of the circumstance. I want to take issue with the opening gambit from the Chief Minister in which he made great issue of the fact that this was the first time they had ever moved a censure motion of this nature. Mr Speaker, quite clearly the Chief Minister has misled the Assembly, because I draw to your attention—

MR SPEAKER: Withdraw that.

MR MULCAHY: I beg your pardon?

MR SPEAKER: Withdraw that.

MR MULCAHY: I will withdraw that remark and say that the accuracy of the Chief Minister's claims are in contrast to his activities on 24 August 2005, when he moved to censure the shadow Attorney-General for "his blatant and repeated misleading of the people of Canberra in this Assembly". It seems, Mr Speaker, that the Chief Minister's memory is failing and does not accord with the theatrical performance that we just saw. I am disappointed to hear this—

Mr Stanhope: I raise a point of order, Mr Speaker. I do apologise, I thought that censure motion was in the last parliament. We have moved one censure I was aware of, but I did not think it was in this parliament. This is the second censure we have moved in this parliament and not the first, as I have said. I acknowledge that now and apologise.

MR SPEAKER: That is not a point of order.

MR MULCAHY: Thank you, Mr Speaker and Chief Minister. We have got that first part correct. I want to draw members' attention to the issue of censuring an individual member before I deal with the substance of this matter and I draw to the attention of members *House of Representatives Practice*, which deals with this issue. It notes that a motion of censure of a private member has been moved on only two occasions. Further, it notes:

A motion in the form of a censure of a Member ... is not consistent with the parliamentary convention that the traditional purpose of a vote of censure is to question or to bring to account a Minister's responsibility to the House. Furthermore, given the relative strength of the parties in the House, and the strength of party loyalties, in ordinary circumstances it could be expected that a motion or amendment expressing censure of an opposition leader or another opposition Member would be agreed to, perhaps regardless of the circumstances or the merits of the arguments or allegations.

That is clearly the case today. The government will simply use its numbers to shut down legitimate questioning by two non-government members; namely, Mr Seselja and Dr Foskey.

The behaviour of Mr Corbell throughout this process has been more than sufficient grounds for Mr Seselja to be legitimately probing the sale process for the EpiCentre site. I do not see how this government can justify launching such an attack on a shadow minister who has been diligently doing his job as a member of the opposition, that being to hold the government to account and highlight areas where questions could, or should, be asked.

Even after the release of this audit report there are a number of questions that remain unanswered and a number of matters that will require further examination and

discussion. Certainly often through this whole process, in question time and debate, we have been confronted with legalistic answers to questions. I have no doubt that the community would want members of this Assembly to do their duty and inquire further when matters of concern are raised.

In the key findings of the report, the Auditor-General stated:

Various inquiries to ACTPLA indicated that there was some level of uncertainty regarding the planning controls applied to the site.

Indeed, they remain unanswered. The report states:

... the lack of clarity regarding interpretation of aspects of the Territory Plan, particularly permissible uses of industrial areas or land use restrictions, remained after the land sale—

These are not matters to be dismissed out of hand. They go to the heart of the concerns that Mr Seselja raises. The report goes on to note:

ACTPLA has a responsibility to provide clear and unambiguous advice to the community about planning matters. However, the Audit observed that in dealing with inquiries during the sale process, ACTPLA did not always provide a clear and responsive reply to legitimate and straightforward inquiries about specific planning controls ...

These are serious issues and I am amazed that the minister would come into this place today and tie up the Assembly with a censure motion. It is interesting, as Mrs Burke points out, that the minister is not to be seen. This is the second occasion in a matter of weeks where a minister in charge of a crucial issue has been absent from the chamber. I think it is discourteous to the chamber for a minister to move a motion to censure opposition members and then fail to be present in the chamber.

Mr Stanhope: I raise a point of order, Mr Speaker, just for the sake of the record. It should be noted—

MR MULCAHY: That is not a point of order, Mr Speaker.

Mr Stanhope: It is a point of order.

MR SPEAKER: Order! Resume your seat, Mr Mulcahy.

Mr Stanhope: The minister has returned to the chamber. He was out of the chamber for 15 seconds. That was a childish ploy by Mr Mulcahy—purely childish.

MR MULCAHY: It is not a point of order, Mr Speaker.

MR SPEAKER: It is not a point of order, but it seems a waste of time to note that somebody is out of the chamber when they go for a comfort stop.

MR MULCAHY: I do not know if that is the explanation, Mr Speaker.

MR STANHOPE: Childish!

MR MULCAHY: If there is a childish element, it is the fact that Mr Corbell's sensitivity is so great that he cannot cope with a member who had been in this place for barely two years questioning his role as a minister. It seems that we have a most defensive minister who cannot cope with the fact that he has been put under the pump following serious questioning by Mr Seselja—and, in fairness, by Dr Foskey—about a matter which made it even necessary for him to turn up to the estimates committee with his legal adviser. That was extraordinary. That has occurred only a couple of times in any parliament in Australia. Certainly it will create a new record, and that is actually an accurate assertion, unlike the Chief Minister's earlier on.

It is a bit rich for Mr Corbell to be accusing Mr Seselja of inappropriate behaviour when it was indeed the minister himself who led the charge in muddying the waters on the issue and failed to provide sufficient clarity over the EpiCentre sale at the very early stages when this was raised. In fairness, I contrast Mr Corbell's conduct to the Chief Minister's dealing with Rhodium, where he actually was upfront on the issues raised and acknowledged a problem and, as a consequence, was able to ensure that a more appropriate approach was taken by all members of this Assembly.

In this case we have had the ducking and weaving that was a feature of the minister's approach through months and months of questioning by Mr Seselja. It is hardly any surprise that Mr Seselja persisted in seeking to get to the bottom of the issues, a number of which are addressed in the Auditor-General's report and will be subject to further examination.

Mr Speaker, I have submitted an amendment to this motion, and I now move:

Omit all words after "That", substitute "this Assembly acknowledges the duty and right of Opposition Members to scrutinise the role of Ministers and rejects any attempt to stifle debate or scrutiny of government."

We are looking at a very important principle here today. Mr Stanhope makes a great issue of democracy. Democracy, under the Westminster system, is all about scrutinising the government. It is the duty of the opposition to scrutinise and question ministers, and it ought to be a course of action that is encouraged, rather than feared, as seems to be the case with Mr Corbell.

His constant sensitivity to criticism is extraordinary. He has moved a motion here today to censure Mr Seselja and Dr Foskey. I listened very carefully and quietly to all his comments and I simply could not hear a matter of substance to support his claim that they have abused the processes of the Legislative Assembly. He made not one single point. He clung to a couple of press releases and said there were questions asked. What is the situation? If we ask a question of the Assembly, are we now subject to censure?

This is an extraordinary motion. It is a gross overreaction by someone who is clearly precious and under pressure in his role. He has been overridden by the Chief Minister.

He has been slapped in the face over some of his initiatives, such as the infamous bus plan. This is a desperate attempt to try and recapture the high moral ground.

If we look at the article “Territory plan clear as mud” by John Thistleton in the *Canberra Times* today, I do not believe the minister has won the public debate. I do not believe that a motion such as this, which will be pushed through simply on a majority, will do anything at all to convince members either on this side of the house or the other of his confidence in handling critical issues such as this. It stands in sharp contrast to the way in which other matters have been handled in this place. I thought we were going to hear some matters of substance, with quotes from Assembly debates, to support the claim that members have abused the processes of the Legislative Assembly. We heard nothing along those lines, Mr Speaker. We heard some desperate pleas—

Mr Stanhope: We would be happy to do it all again.

MR MULCAHY: We did, and then we heard a bit of theatre by the Chief Minister, the fundamental basis of which was flawed and which he has had to acknowledge was flawed. I think the government’s performance on the matter speaks volumes. The original motion should be opposed.

MS PORTER (Ginninderra) (12.08): Mr Speaker, I rise today to support Mr Corbell’s censure motion, to support ACT public servants in the Land Development Authority and the ACT Planning and Land Authority and, of course, to support Mr Corbell as planning minister.

I would like to address Mr Seselja’s behaviour over the last six months in relation to EpiCentre. Quite frankly, I believe we should censure Mr Seselja this morning for the way he has misled the public of the ACT on this matter. It is very clear that Mr Corbell and his employees at the LDA and ACTPLA acted appropriately and with due care and process. This was the finding of the Auditor-General.

Mr Seselja’s behaviour has been entirely reprehensible. This morning I read over the *Hansard* report of the public hearing of the estimates committee into this matter on 21 June, as well as the in-camera hearing of the committee. It is very clear to me that Mr Seselja used the estimates committee process on 21 June to build a straw man. I must say it was very satisfying yesterday to see that straw man blown away in the gust of wind that came behind the Auditor-General’s report. Mr Seselja’s scarecrow has been desiccated, Mr Speaker. Mr Seselja used the process to suggest that the people have been misled. In fact, he was doing the misleading.

Mr Smyth: I raise a point of order, Mr Speaker.

MS PORTER: I refer to Mr Corbell’s reply to that claim in the estimate committee hearing on 21 June—

MR SPEAKER: Ms Porter, there is a point of order.

Mr Smyth: Ms Porter just said that he “is misleading” or “was misleading”. It is either a substantive motion or she has to withdraw it.

MR SPEAKER: No. The substantive motion goes to the issue of misleading.

Mrs Dunne: But the substantive motion does not go—

MR SPEAKER: Order! Let me finish. I think there is a difference, though some would say subtle, between somebody claiming that somebody has misled the Assembly and somebody who has made misleading statements elsewhere. It is appropriate in the context of the substantive motion to talk about misleading comments.

Mrs Dunne: On the point of order, Mr Speaker, you are quite correct to say that this is a motion about misleading comments. But Ms Porter's comment was that Mr Seselja misled the Assembly and the estimates committee, and that is not the subject of this motion. This motion is about misleading comments. There is nothing in this about misleading the Assembly.

MR SPEAKER: Will you repeat what you said, please, Ms Porter?

MS PORTER: Thank you. I will quote from Mr Corbell's reply on 21 June. Mr Corbell said:

The points that you make, Mr Seselja, are based on a false premise. They are based on a false premise because, as I have already said, the LDA provided to all the bidders the full range of uses that were available for the site.

MR SPEAKER: There is no point of order, Mrs Dunne.

MS PORTER: Ultimately Mr Seselja used the estimates process to build a straw man and to begin a scurrilous process of undermining public confidence in the minister, in the planning processes of the ACT and, ultimately, in the government. Mr Corbell, at the very beginning of Mr Seselja's line of questioning on EpiCentre on 21 June clearly states that all the actions of the LDA and the planning and land authority were appropriate. Mr Corbell then states that the Supreme Court and Justice Connolly agreed at that time that the LDA had acted appropriately in the handling of the auction of the EpiCentre.

That is right, Mr Speaker. As soon as Mr Seselja raised this matter, Mr Corbell responded to assure Mr Seselja that all actions regarding the EpiCentre site had been handled appropriately. As soon as Mr Seselja raised the matter, he was told that ACTPLA and the LDA had afforded no preferential treatment to any of the potential bidders at the site. The LDA did not mislead potential bidders. Our public servants acted entirely appropriately. Mr Corbell acted entirely appropriately.

As members can see from the Auditor-General's report, she formed the opinion that the LDA and ACTPLA had acted properly, fairly and honestly in the sale of the EpiCentre site and, most importantly, that the sale was in accordance with all legal and policy requirements and was right up with the standards of state government agencies conducting similar sales.

No-one has suggested that the opposition should not scrutinise the government. What we are talking about here is the way it has been suggested that the planning minister and his authority and his public servants should be called into question. It undermines public confidence in this government. It undermines public confidence in this planning minister and it undermines the confidence of the business community.

I thought that those on the opposite side of this place want to support the business community, yet Mr Seselja continues needlessly to pursue this matter. He pursued it in a disgraceful way, taking every opportunity he could to ensure that public servants, a government department, the government and the minister were presented in the worst possible light. I believe Mr Seselja was way out of line.

As we have heard today, Dr Foskey, with her remarks and accusations in her letter, also rode on the back of Mr Seselja's campaign to undermine this minister, this government and ACT public servants. The undermining of our public servants, the LDA and the planning and land authority, the ACT government and the Minister for Planning is entirely reprehensible. Mr Seselja owes Mr Corbell, Mr Savery, Ms Hughes, our excellent public servants, the ACT business community and, ultimately, the people of the ACT an apology. Instead, he stands in this place and stamps his foot and beats his breast and yells across the chamber like a boy in a school playground caught out in some kind of misbehaviour. Methinks, Mr Speaker, that Mr Seselja is a tad too strident in his remarks—if you could call them that.

Mr Stefaniak does not help the opposition, of course, by having to rely on *Canberra Times* editorials for information to rebut Mr Corbell's motion. Mr Speaker, I might ask: who is the Leader of the Opposition in this town?

MRS DUNNE (Ginninderra) (12.16): Mr Speaker, it is like old home week here today. We have the Minister for Planning standing on his dignity, defending the indefensible. The predictions of the opposition over a number of years are coming home to roost. In December 2003, at the end of the debate on the Planning and Land Bill, I asked, "If we make all these changes that are the sole aim of the Minister for Planning, if we establish ACTPLA, if we establish the LDA, will things be better in the planning community two years down the track?" The resounding answer to that question today is no.

From the time of the establishment of the ACT Planning and Land Authority and LDA under the Planning and Land Act, we have seen a litany of mistakes, of things going wrong. The Chief Minister, in his usual theatrical way and with his usual capacity for verballing people, has tried to imply that what Mr Seselja has been doing in the last six months or so, inquiring into and asking questions about the process in relation to the selling of land in Fyshwick and asking the Auditor-General to use her officers to inquire also, is in some way an attempt to say that there are some nefarious acts going on.

Although the Chief Minister was all theatrical and implied it, he could point to not one word said by any member of the opposition that asserts that an official or the minister or anyone involved in the bidding acted nefariously. There are two choices here: they could be knaves or they could be fools. The things that have been pointed

out by the Auditor-General in her report are acts of negligence. They are foolish acts. They are not acts of malfeasance; I would say they are oversights.

They are things that go wrong when you establish an organisation because it is something that you want to do at all costs and you do not think about how that organisation might work and how that organisation might interact. It happens when you do not ensure that the culture in the planning system is improved. It is what happens when you do not take control of the organisation.

This is a minister who has set up an organisation where he can take the glory. But when things go wrong he stands back and says, "No, it is not my fault; it is a statutory authority." He does this all the time. He will step in when it suits him and he will stand back when it suits him. We started today with a whole lot of bluff and bluster from Mr Corbell, the planning minister, the planning crusader. It has been his beacon—the thing he has been most concerned about ever since he has been in this Assembly.

Today we see that he is a minister who is presiding over a failure. The failure has been brought home to us in the pages of the Auditor-General's report. It is as I predicted in December 2003, when the Planning and Land Bill was enacted. Nothing has happened. Nothing has occurred to improve the culture of land administration and planning in the ACT. The proof of that is in the Auditor-General's findings. I will read the sentence that I challenged the Chief Minister to read. He would not. The audit opinion at paragraph 1.16 states:

The clarity of the sale documentation could have been improved ...

Yes, it is quite right that the report says that there was nothing underhand done, that there was no malfeasance. But what we see is a weakness of administration overseen by a weak minister who is obsessed with his vision. That vision is crumbling. It has been taken apart brick by brick by the Chief Minister. The Chief Minister has taken away some of the minister's powers in relation to land planning. He is now making announcements about land releases. He is now saying that the LDA is not the only land developer in this town. Everything that the opposition said at the time was wrong with the LDA and ACTPLA has been brought to book today and has been reinforced this week by the Chief Minister.

Mr Stanhope: Balderdash!

MRS DUNNE: You have to commend the Chief Minister's loyalty. He will come in here and defend to the death. He defended Ms MacDonald over the recent carry-on in New Zealand. He defends even when he knows in his heart of hearts that everything that I say is true. He is pulling the Land Development Agency apart brick by brick. If he had voted in the first place for my amendment not to institute the LDA we would not be in this place today. In the LDA we see a continuation of the culture that we experienced in the Gungahlin Development Authority and in other places where we saw failures that were not corrected.

The failure in relation to Yerrabi stage 1 cost the territory in excess of \$1 million. The developer took the territory to court over the bad administration of a government

tender and we were taken to the cleaners. The lack of proper probity checks by the Gungahlin Development Authority in relation to Harrison stage 1 allowed people to bid who should never have been allowed to bid.

The successor to the Gungahlin Development Authority, the Land Development Agency, is roundly criticised in the Auditor-General's report released yesterday for the very same weaknesses in administration that we saw years ago which this minister has presided over for five years and has done nothing to improve.

The Chief Minister is right: we should be concerned about the reputation of the ACT as a result of this sale. But it is not Mr Seselja's doing. Mr Seselja did his duty; he did what was right. In the words of Mr Mulcahy's amendment, he scrutinised the role of ministers and he scrutinised the minister's agency. He did the right thing.

Mr Seselja believed that the matter was beyond the capacity of an individual member to delve into and that the Auditor-General should ask some questions. Mr Seselja has been accused of all manner of things. Let us look at the terms of the original motion. He has been accused of abusing the processes of the Legislative Assembly and making misleading and untrue claims. As Mr Seselja said, Mr Corbell has not pointed to one misleading claim in the Assembly or in the estimates committee.

Mr Seselja asked a series of questions. He did not say that bidders did not get the same advice from the LDA and ACTPLA. He asked: did all bidders get the same advice? He did not make an assertion. He asked questions because there was enough documentary evidence to raise doubts in people's minds, not just in Mr Seselja's mind, but in the minds of all of the members of the opposition, in the minds of members of the cross bench, the community, the chamber of commerce and the property council.

The victims of this failure by Simon Corbell are people who want to invest in this town. He has presided over a range of disasters that have resulted in a flight of capital from this town. When I was the shadow Minister for Planning—Mr Seselja has the same experience—there were people who said, "I would like to invest in this town, but it is too hard. I will go to Coffs Harbour. I will go to Brisbane. I will go to Adelaide. I will go anywhere because it is too hard."

What does Austexx think about this town? As Mr Stanhope said, they are coming into this town for the first time. They are a prominent company with connections across this country. Their first, and probably only, experience in this town has been one of incompetence because, after five or six lots of correspondence, the planning authority and the planning minister could not tell them what industrial land use policy on that block in Fyshwick actually means. That is a shameful thing—a completely shameful thing.

Ms Porter: Rubbish!

MRS DUNNE: It is not rubbish. Even after six lots of correspondence, they could not tell Austexx what it means. After an inquiry from the Auditor-General, they still cannot tell the Auditor-General what it means. (*Time expired.*)

Sitting suspended from 12.26 to 2.30 pm.

Questions without notice

ACTION bus service

MR STEFANIAK: My question is to the minister for transport and municipal services. Residents in Belconnen have complained that morning peak hour services for their suburbs finish at 8.30 am with hourly bus services commencing after that time. Why has this government cut so many bus services? How will such a large cut to bus services encourage people to use public transport?

MR HARGREAVES: Any government has a responsibility to the travelling public to respond to demand where it perceives that demand to be, and to operate a bus service efficiently and effectively. There has been a demand for additional services to places such as the eye hospital, Harrison, Calvary Hospital and the cemetery and, very importantly, more demand for services on peak commuter routes.

In line with the government's sustainable transport plan and in the interests of trying to combat climate change, the government is providing an accent on those particular services, particularly commuting routes. In doing this—and making sure that we do that within the resources allocated to it by government—we have had a look at those routes where there has been, shall we say, a lessening of patronage. We have tried—as we do very frequently—to adjust those routes between suburbs and the interchanges to reflect the travelling public.

We accept that any network of bus routes will not suit everybody. We accept that. We ask the travelling public to understand what we are trying to do. We ask the travelling public to contact the ACTION hotline and Canberra Connect to let them know what difficulties they experience. It is that information that we use when we refine, and more clearly define, the bus routes in the next round of changes.

Members opposite would be aware that every single year we change the school bus routes to respond to the changes in school demographics. This most recent network change in terms of the general commuting public is the best fit that our schedulers can make at the moment. But with the best will in the world, the schedulers will not know the difficulty experienced by everybody. I am asking those opposite to encourage their constituents to let us know their difficulties. Where we can accommodate those difficulties, we will. Where we cannot, we will give folks an explanation as to why not.

MR STEFANIAK: I have a supplementary question, Mr Speaker. Minister, why does this government consider that morning peak hour now finishes at 8.00 am for some residents?

MR HARGREAVES: Mr Stefaniak asks: why does this government consider that peak hour finishes at half past eight? I do not see that Mr Stefaniak has the right to speak on behalf of the government, because he certainly does not.

Mr Stefaniak: I didn't. I asked you. I asked you, you goose.

MR HARGREAVES: Until he gets on this side of the chamber he cannot speak on behalf of the government.

Opposition members interjecting—

MR HARGREAVES: Mr Speaker, the rabbiting on of those opposite does not affect me at all. It is water off a duck's back, my dear friends, so save yourselves the breath.

Mr Mulcahy: That's your problem. It is called contempt—contempt for the electorate.

MR HARGREAVES: Mr Mulcahy can save his weakened body a little bit more. He can throw those sorts of accusations across the chamber and it affects me not one zot. So do save yourselves some energy and stop wasting everybody's time.

The government recognises that peak hour is determined by the travelling public. It is not something that we determine. It is not something that is contained within regulations. We do not say, "Guess what: at 25 past eight it's over."

Mr Mulcahy: It's an unmitigated disaster.

Mr Stefaniak: Have a look at your timetable.

MR HARGREAVES: Here we go! Where is my box of table tennis balls that I can just pop in their mouths?

Mr Speaker, as I have just indicated to those opposite, who seem to be a bit hard of hearing perhaps, we look at the bus routes and we determine when the people are travelling and we try to get the best fit that we can. That is where we are at at the moment, and I have just explained to the chamber that where this is not so we like to hear from people. But let me say this to you, Mr Speaker: I like to hear from rational-thinking constituents, not those people over there—the straw-man manufacturing company.

Griffith library

MR SESELJA: My question is to the Minister for Territory and Municipal Services. Minister, on Saturday, 18 November, at the rally opposing the closure of the Griffith library, you said that you would ensure that library users that had any difficulty getting to the Civic library or Woden library would be offered appropriate transport assistance. Have any offers of assistance been made to disabled and disadvantaged users of the library system by your government, or was your promise at the rally just another empty one?

MR HARGREAVES: I will treat the second half of the question with the contempt that it is due. It belittles Mr Seselja to ask that sort of question. I thought better of him. With respect to the first half of the question, it is interesting that Mr Seselja quotes me as he was not there. Mr Seselja was not there, so how on earth can he quote something that I have said? He was not there.

Mrs Burke: I was there.

MR HARGREAVES: In the same way as he was not there when the results of the examination of the realities of the EpiCentre were actually revealed. He was only just here this morning. Talking about the Griffith library, an interesting thing about the people opposite is that they will cherry pick half of a sentence—

Mrs Burke: Oh, yes!

MR HARGREAVES: The sotto voce interjections from Mrs Burke do not assist me in responding to the question. If Mr Seselja had been fed accurate information by his colleagues about what I had actually said, he would have been prevented from making a fool of himself. What I actually did was invite all of the people who were Griffith library customers to come and look at the new Civic library and said that we would assist people in doing that, in coming and looking at the new Civic library. Mr Seselja sits there with a smirk on his face—the smirk of a man who was not there. He was not there. He was absent. He was the missing member.

Mrs Burke: You are splitting hairs.

MR HARGREAVES: Mrs Burke was there. She ought to know the truth of this thing, but does not have the courage to say so. Mr Pratt was there. I have noticed that he sits there silently because he knows that what I have told this Assembly is exactly the way it was.

Mr Pratt: No; I just feel like being quiet for a change.

MR HARGREAVES: That is something we are not used to, Mr Pratt.

MR SPEAKER: Order! Mr Hargreaves, direct your comments through me and respond to the question. Members of the opposition will cease interjecting.

MR HARGREAVES: We were all surprised by Mr Pratt's silence, Mr Speaker.

Mr Pratt: There are more surprises to come.

MR HARGREAVES: You have just fixed it!

Mr Speaker, when I was talking at the Griffith library premises I was trying to extol the virtues of the new Civic library. I had had the privilege of going over that library before it was opened and thought that it was a wonderful thing, and indeed it was, so I extended an invitation to those present to come and look at it before the official opening. I said at that time that if anybody had difficulty in doing so, we would assist in the process—that we would put on transport to enable them to go to the Civic library and look at it. What we are seeing here is selective use. I am hoping that Mr Seselja has been sold a pup by his colleagues, that he was given only half of the story by his colleagues, and that he has not done it himself, because I hold Mr Seselja in a lot more esteem than that question deserves.

Visitors

MR SPEAKER: I acknowledge the presence in the gallery of members of the University of the Third Age. Welcome.

Questions without notice

Griffith library

MR SESELJA: I appreciate the esteem in which Mr Hargreaves holds me. Minister, will you be making any assistance of a general nature to disabled and disadvantaged users of the library system in order for them to use the Civic and Woden libraries?

MR HARGREAVES: I thank Mr Seselja for the question. He is a very, very nice bloke. Under the stewardship of Mr Corbell, there were initiatives introduced into ACTION to make sure members of our disabled community can travel on our buses in the same way as the rest of us can if we so choose. The buses that have been bought now go down to the pavement. We are very conscious of people with any kind of disability being able to have access to the bus network.

In respect of the Civic library, it was built with disability access absolutely foremost in our minds. So I am confident that the services for the disability community are no worse and no better than those available to the normal travelling public.

It is also to be noted by the Assembly that the home library lending service and the mobile library service still continue to function. Any people who are housebound because of their disability are very adequately catered for. All they need to do is contact the library and those services will be delivered to their home.

There is no discernible difference, in my view. This is a thinly veiled attack on the government's decision to close the Griffith library. It is one which was taken in the interests of the global library service across this town. To the people of Griffith I say: "I understand your pain. I respect that. I respect your views. I respect your opportunity to express them in any way you like." To the general library community across Canberra, I say that I think perhaps some congratulations ought to be due for the way in which we have extended the library service. There has been nearly \$20 million worth over the recent past.

I would invite Mr Seselja to come and have a look at the new Civic library and perhaps talk to those people. They can describe to him the Griffith library, which is somewhere that he has not been yet.

Registrar-General and Office of Fair Trading—relocation

DR FOSKEY: My question is to the Attorney-General and it concerns the decision to move the Registrar-General and the Office of Fair Trading to Fyshwick. Could the attorney please advise the Assembly of the client profile of these services and how the move to Fyshwick will assist them with easy and affordable access?

MR CORBELL: I think the client profile is outlined in the annual reports, so I draw Dr Foskey's attention to that. In relation to access, I am aware that some stakeholders have raised some concern about access to the new offices at Fyshwick, but I have also received comment that the opportunity for more immediate parking at Fyshwick, particularly for the Registrar-General's Office, is an advantage.

It is important to stress that the functions of the Registrar-General are not everyday functions for all citizens in our community, but they nevertheless provide an important service to people when they are changing title on a property, registering a birth, death or marriage and so on, or needing to get documentation on those matters. The feedback I have had in relation to the Registrar-General's Office has been that there is easier at the door access than there was in the Civic location.

I am comfortable with the arrangements to relocate these offices to Fyshwick. It is part of the government's overall accommodation strategy, which is about rationalising our accommodation arrangements, ensuring that we use space in the most efficient way and reducing costs to the taxpayer accordingly.

MR SPEAKER: Do you have a supplementary question, Dr Foskey?

DR FOSKEY: Could the Attorney-General please advise the Assembly of the floor space required by these agencies in Fyshwick, the saving in rent that the move will deliver and whether it was considered that these services could be accommodated in the parts of the North Building that the Cultural Facilities Corporation is handing back?

MR CORBELL: I can assure Dr Foskey that very lengthy and detailed consideration was given to all the accommodation changes that have occurred in the past number of months. In relation to the other detail in her question, I am happy to take that on notice and provide that information to her.

Planning—EpiCentre lease

MR GENTLEMAN: My question is to the Minister for Planning. Minister, the Auditor-General, in her report on the sale of block 8, section 48, Fyshwick, has addressed, among other matters, two key issues: value for money from the sale and the marketing processes for the sale. Minister, can you advise the Assembly on these matters?

Mr Smyth: I raise a point of order, Mr Speaker. We are currently in a censure motion on the EpiCentre block and there is another motion on the notice paper. That notice is No 2 for Mr Seselja. Is it appropriate to visit it at all?

MR SPEAKER: Let me have a look at the notice paper.

Mr Corbell: Be careful about the precedent you are setting here.

Mr Hargreaves: Interesting precedent yesterday. Be very careful.

Mr Corbell: We don't mind either way, but just watch the precedent you are setting for yourself.

Mr Hargreaves: Be careful what you wish for.

MR SPEAKER: This is rather complicated for the person who is answering the question because he cannot anticipate debate. I think the question is allowable. He cannot anticipate debate and he has got to be careful he does not traverse any consideration that the public accounts committee might give to the Auditor-General's reports. I will sit here and my guess is that points of order will be raised from time to time about the minister's response. So good luck, minister!

MR CORBELL: Thank you, Mr Speaker. I thank Mr Gentleman for the question. I think it is important to put on the record the government's view on the issues raised by the Auditor-General in her report into the sale of block 8, section 48, Fyshwick. As we know, we have seen the Liberal Party, Mr Snow and others consistently make a series of claims which have been designed to suggest that the taxpayer did not get value for money from the sale of this site and, further, that the marketing processes involved in the sale of that site did not achieve full value for the site. We have Mr Seselja on record inside and outside this place—

Mr Smyth: I raise a point of order, Mr Speaker.

MR CORBELL: to that extent.

MR SPEAKER: I do not think you need to. Mr Corbell, I do not think you can go to those issues.

Mr Smyth: You just cannot touch any of them.

MR SPEAKER: You will run into anticipating the business before the committee and I think that would be inappropriate.

MR CORBELL: Well, Mr Speaker, it is an interesting precedent that you set in your ruling, but of course I abide by it. It basically means that it is impossible to ask about any subject that is put on notice through a question or a motion in this place. Nevertheless, Mr Speaker, I accept your ruling. The Land Development—

Mr Smyth: On a point of order—

MR CORBELL: It is not a point of order.

MR SPEAKER: Are you raising another point of order?

Mr Smyth: The motion before the Assembly this morning for Mr Corbell talks about the sale of block 8, section 48, Fyshwick. Surely the price realised for the sale of block 8 section 48 Fyshwick—

MR CORBELL: So you don't want to talk about it now, do you?

Mr Seselja: We have been talking about it all morning.

Mr Smyth: Mr Speaker, I would ask that you rule the question out of order.

MR SPEAKER: Well, no. The motion this morning was about a censure of Mr Seselja—

Mr Smyth: Concerning the sale.

MR SPEAKER: in relation to statements that he made.

Mr Smyth: About the sale.

MR SPEAKER: Mr Corbell has not attempted to deal with that issue, that is, the censure motion. Neither has he attempted to deal with—

Mr Seselja: He went to claims inside and outside the—

MR SPEAKER: Order, Mr Seselja! Of course, it directs its attention to Dr Foskey as well. It has not attempted to anticipate debate there. On that point of order, I would rule against you, Mr Smyth.

MR CORBELL: Thank you, Mr Speaker. It is interesting how touchy the Liberal Party are getting on this matter. The Land Development Agency was the responsible agency for the sale of the lease of this land. The Auditor-General, in her findings on the audit, found that the LDA has appropriate policies and procedures in place for the sale. She went on to find that those policies and procedures are generally in accordance with good practice principles observed in other Australian jurisdictions.

Furthermore, the Auditor-General found that there was no evidence of any conflict of interest or unfairness that might have compromised the integrity of the sale. I would leave, too, Mr Seselja. It is clearly very embarrassing to you. Mr Speaker, the Auditor-General concluded:

... there is no evidence to suggest there was a lack of interest from suitable developers as a result of the LDA's advertisement and marketing strategy.

This really does put to bed the claim made by Mr Seselja and others that the marketing strategy was in some way flawed or failed to ensure that the territory got an adequate return.

In relation to the issue of value for money for the territory, I have been amazed about the number of amateur valuers in this town who believe they know what value should have been achieved from the sale. Indeed, even Dr Foskey has become a valuer. In her letter to the Auditor-General she claimed:

I am concerned that the actual sale price was far too low, and that the ACT Government may have forgone in the order of \$70 million in revenue as a result of bureaucratic incompetence or deliberate malfeasance. The \$70 million

discrepancy figure comes from a valuation based on the expanded GFA retail capacity which has been proffered by a number of—

I should indicate unnamed—

Canberra business people.

Mrs Dunne: I raise a point of order, Mr Speaker. Again, I think that Mr Corbell is ranging fairly widely—

MR CORBELL: You don't like it, do you?

Mr Seselja: Twenty minutes today—

Mrs Dunne: across the items which were being debated earlier today.

MR CORBELL: You don't like hearing the truth.

Mrs Dunne: Mr Corbell is—

Mr Seselja: Talk for another 20.

MR SPEAKER: Order, Mr Seselja! One of your colleagues is raising a point of order and I cannot hear her.

Mrs Dunne: Mr Corbell has an opportunity to raise these matters in the debate, and by doing it now he is anticipating the debate. There is another notice on the notice paper that relates to this. So it is about proximity. I have always been told that these rulings were about proximity to debate. The fact that it is on the blue today shows that we are quite close to this debate and therefore Mr Corbell is anticipating the debate on that matter.

MR GENTLEMAN: I have a supplementary question, Mr Speaker. Minister, can you give us any further details on the value for money part of the process?

Mrs Burke: No, he can't.

MR SPEAKER: Mr Corbell, please don't anticipate debate.

MR CORBELL: Indeed, I will endeavour not to, but again it would appear that the Liberal Party—

MR SPEAKER: No, Mr Corbell, you will not anticipate debate.

MR CORBELL: are extremely sensitive on this matter and are not prepared to hear what the Auditor-General actually found. All I can say about Dr Foskey's claims is: in her wildest dreams.

Mr Smyth: I take a point of order, Mr Speaker. Mr Corbell continually talks about the Auditor-General's findings. Mr Seselja's motion starts with "notes with concern the

Auditor-General's findings in relation to the EpiCentre auction process". The questions are clearly out of order, Mr Speaker.

MR SPEAKER: The minister is entitled to speak on it but he just can't anticipate the debate on the matter. He is entitled to speak; he can't interfere with the committee's deliberations on the matter or—

Mr Smyth: I'm talking about a notice later today.

MR SPEAKER: So far as the motion before the chamber is concerned, he is entitled to respond to the question but he just cannot anticipate debate in relation to those. So Mr Corbell will not be anticipating debate.

Mr Stanhope: Mr Speaker, I would like to seek some clarification on your ruling. You would be aware that notice No 4 on the notice paper today relates to a motion proposed by Mrs Dunne in relation to the policy statement *Towards 2020*. Do I take it on the basis of your ruling that there cannot be any questions in this place to the minister for education on the policy 2020 while ever this motion remains on the notice paper?

MR SPEAKER: No, you can't take that. All that you can take from what I have said so far is that the minister, if asked a question, cannot anticipate debate arising from that motion that is on the notice paper.

Mr Stanhope: It would be simply impossible for the minister to answer any question on the policy position of *Towards 2020* without anticipating debate on Mrs Dunne's motion.

Mrs Dunne: So you've got a dixer, have you?

Mr Stanhope: No, I am just clearing this up. I just want it to be understood that this motion will not be debated today and it will not be debated tomorrow and it may not be debated in February. I am just clarifying that there will be no questions in this place on school closures until this motion is removed, which may not be for another three or four months.

MR SPEAKER: Order! Mr Stanhope, if there is displeasure about the standing orders, they may need to be changed.

Mr Stanhope: No, no. I was just seeking clarification. I now have it and we will now object to every single question on schools—

MR SPEAKER: Questions may be asked to elicit information regarding business pending on the notice paper but discussion must not be anticipated.

MR CORBELL: Thank you, Mr Speaker. If the government had forgone \$70 million that would have meant that the site would have sold for \$109 million. Of course Dr Foskey is happy to base her unfounded claims on the views of a number of unnamed Canberra businesspeople rather than the views of qualified valuers—

Mr Mulcahy: I raise a point of order, Mr Speaker. There is a motion before the Assembly in which action is called against Dr Foskey by way of resolution and the minister is now canvassing those matters that are still before the Assembly and have not yet been settled.

MR SPEAKER: Discontinue anticipating debate.

MR CORBELL: Mr Speaker, I think that shows the difficulty with your ruling, but nevertheless the auditor concludes—

Mrs Dunne: I raise a point of order, Mr Speaker.

MR SPEAKER: This is getting a bit out of hand.

Mrs Dunne: No, I'm sorry. The comments coming from Mr Corbell and the Chief Minister are essentially questioning your rulings, and this is inappropriate behaviour by a member of the Assembly.

MR SPEAKER: The chair is not offended by the questions that have been raised.

Mrs Dunne: I'm offended on your behalf.

Members interjecting—

MR SPEAKER: Thank you so much.

MR CORBELL: If only it happened more often, Mr Speaker. Mr Speaker, the auditor went on to say:

... Audit is of the opinion that interested bidders (at least AUSTEXX and the Capital Airport Group)—

that is, Mr Snow's company—

were reasonably informed of the potential use of the land, and that market forces operated to ensure an appropriate financial return to the Territory for the sale of the lease.

The Auditor-General has concluded that the sale achieved an appropriate financial outcome for the territory on the basis of the permissible uses of the site for bulky goods retail, non-retail commercial, restaurant and shop uses. As we know, the Auditor-General commissioned an independent backcast valuation of the site, which examined a number of scenarios for land use, including its use as a direct factory outlet. The Auditor-General's valuer's assessment was that the upper value of the site was \$21 million. The amount received from the sale was 86 per cent more than this valuation.

Public service—superannuation

MR MULCAHY: For the benefit of Mr Hargreaves I have a question. This one is to the Treasurer. Treasurer, it was revealed recently that embedded faults in calculating

superannuation contributions to ACT government employees have occurred throughout the lifespan of the previous human resources system utilised by your government. Treasurer, can you inform the Assembly as to the magnitude of this fault? How many ACT public servants does it affect? To what extent has this fault impacted their superannuation contributions? What is the potential cost of this fault to the ACT taxpayer?

MR STANHOPE: The question does not go to this, but it is interesting that the issue raised by the shadow Treasurer, which was addressed in estimates, is essentially recognition of one of the strengths of the Chris21. Chris21, through its application and its processes, revealed this particular glitch in relation to payments of employer-provided superannuation contributions through the sophistication of its software.

So whilst the opposition in particular have been quite keen to play up the alleged faults of Chris21, this particular fault that has now been identified in relation to underpayments and overpayments of employer-provided superannuation contributions would not arguably have been revealed or discovered without the sophistication or the testing that has been done on Chris21. It is certainly a tribute to those that installed and tested that system that they discovered this particular error.

In fact the error was inherited from the commonwealth. I always love the irony of these questions—pointing the finger at this particular government—around alleged failings. Through seven years of Liberal government this error churned on, year after year after year, never discovered. The previous government—

Mr Mulcahy: You always go back to the past, don't you? It must be Trevor Kaine's fault. It's Trevor Kaine's fault.

MR STANHOPE: And indeed, since before self-government. All the way through Trevor Kaine, all the way through the previous seven years of Liberal government this mistake rolled over and over, year after year, under the watchful eye of the Liberal Party during that period since self-government—their nine years in government. This government discovered it and this government will fix it.

I think it is ironic that the shadow Treasurer stands up here drawing attention to a mistake in the calculation and payment of employer-provided superannuation because we discovered it. We discovered an error. And we will fix the error. An error that was not discovered—an error that was contributed to by nine years of Liberal government—by Mr Mulcahy's predecessors over nine years—

Mr Mulcahy: Oh, okay—nine years!

MR STANHOPE: It is interesting. He says, "I wasn't here then." We have always noticed the alacrity with which Mr Mulcahy distances himself from those that came before him in this place: "They were the old Liberals; they were the Brendan Smyth Liberals; they were the Bill Stefaniak Liberals; they weren't the Richard Mulcahy Liberals." It was Brendan Smyth and Bill Stefaniak that, in seven long years in government, were responsible for this oversight, this error—it was not the Richard Mulcahy Liberals; it was not the Richard Mulcahy faction that was involved

in the oversight and the serial repetitive continuation over nine long years in government of this particular issue.

That is the history of the matter. I am pleased that it was through the installation of Chris21—through its testing, through the sophistication of its software—that this particular error, which has been going on for at least 17 years, was discovered. We now have the capacity to remedy and to make the adjustments, whether they be positive or minus. Some of the adjustments that have been identified during the testing phase are as low as \$5, but nevertheless \$5 is \$5. It is money that in some—

Mr Mulcahy: As high as?

MR STANHOPE: We do not know that in terms of the testing. We have only just begun the process. It will be a long and tedious process. We have been pursuing a similar issue in relation to Totalcare that we inherited from the Liberal Party. Similarly there was a significant range of errors and mistakes in the calculation and payment of superannuation through the long years of Liberal Party stewardship of Totalcare. That is one mess that we have already fixed. We fixed the Liberal Party mess in Totalcare—the Totalcare that they bankrupted, the Totalcare that accumulated over \$20 million of losses under the watch of the Liberal Party. We fixed that mess.

We now have another issue that similarly we are seeking to redress. We will do that. We do not know about the size, the scope or the extent. It will be a long and tedious process. We will have to check the records of employees over the entire period of self-government. Some will have been paid too much; some will not have been paid enough. At this stage we have no idea how it will balance out. As I say, on some testing that has been done, some of the overpayments are as small as \$5; some of the underpayments are as small as \$5. But at this stage we have no real feel for the exact extent of this mistake and calculation.

MR MULCAHY: Mr Speaker, I have a supplementary question. Treasurer, are you confident that all faults have been eliminated in all other ACT government and territory-owned corporation human resource systems in relation to prospective superannuation contributions, notwithstanding the fact that you do not have the answer to my first question?

MR STANHOPE: I acknowledge that I do not have the full answer to the question. The answer I have is that, as a result of the sophistication of Chris21, as a result of the skill with which it has been implemented, the new Chris21 system has discovered a fault which has persisted in the payment or calculation of employer-provided superannuation contributions for the entire span of self-government, a fault inherited from the commonwealth at the time of self-government.

It has taken 17 years. That is regrettable. It has taken the sophistication of Chris21 to discover the mistake. We have just discovered it. We have only just completed the implementation of Chris21. We have just discovered a mistake. We have discovered a mistake which persisted, as I say, through the entire period of self-government, including nine years of Liberal government through that period; and we are going to fix it. We will fix it across the board as it pertains to aspects and areas of ACT government administration.

Let me conclude on this basis. We do not at this stage know the extent of it. It is a long and tedious process to go through the individual records of every single employee over that period. But it is a task that we inherited. We have identified it and we will fix it. Is that not redolent of so much of what we inherited after seven years of Liberal government—the mistakes we inherited that we have fixed?

Mr Mulcahy: How long are you going to dine out on this? How many years are you going to fall back to that?

MR STANHOPE: It is interesting to me that Mr Mulcahy keeps drawing attention to these Liberal Party mistakes in government. He does it repeatedly. One wonders why; what it is in Mr Mulcahy's position in this place, as he slips inexorably down the line of the front bench and as he seeks aggressively to get to one end, his party—his colleagues—almost inexorably pushing for the other end of the bench. Before much longer, I anticipate it will be off the front and onto the back. I think it is one of those inevitabilities in politics. There are many of them and that is one of them.

Part of the tactic of Mr Mulcahy, in his grasping attempt to climb the slippery pole to Mr Stefaniak's position on the front bench, is that, if he can do anything or raise any issue that draws attention to the failings and oversights of Mr Stefaniak and Mr Smyth, he will do it. Here is another great example of Mr Mulcahy: "I am the new boy on the block. I have clean hands. This has got nothing to do with me. This is a historic stuff-up. This is a historic stuff-up of nine years of the Liberal government. It has got nothing to do with me. It has got everything to do with Bill Stefaniak and Brendan Smyth." We know what faction they are in and we know what faction Mr Mulcahy is in.

Calvary Public Hospital

MR SMYTH: My question is to the Minister for Health. Minister, in answer to a question asked in this place on 16 November this year, you said in relation to Calvary Public Hospital:

They are doing a fantastic job in all of their performance reporting.

Minister, even with this accolade from you it appears that not all is well with activity at the Calvary Public Hospital. In the November 2006 edition of the *Canberra Doctor*, for example, the following comment is made:

Calvary is treated as a back up hospital by ACT Health and funded only as such.

Minister, Calvary deals with almost as many presentations to accident and emergency, for example, as does the Canberra Hospital. Are you aware of concerns such as these about the resourcing of Calvary Public Hospital? How do you respond to claims that, despite the workload and performance of the Calvary Public Hospital, it is funded as backup hospital to the Canberra Hospital?

Mr Corbell: Mr Speaker, I raise a point of order. I draw your attention to motion No 6 on the notice paper titled "Public hospitals—performance". Mr Smyth has a

motion on the notice paper that deals with the performance of our public hospital system, including rates of bypass of the Canberra Hospital and elective surgery waiting lists. The motion asks us to “take urgent action to improve the performance of the ACT’s public hospitals” and notes that, according to Mr Smyth, “the Australian Institute of Health and Welfare found that the ACT rated very poorly across a range of health indicators”. Mr Speaker, Mr Smyth’s question seems to pre-empt debate on this unfinished matter. I seek your ruling on the matter.

MR SPEAKER: The chair has to have regard to the timing—when such a matter might come before the house. That is not on the program; it may not ever come before the house. It is not really an anticipation of debate, because it is not listed.

Mr Corbell: It is on the notice paper.

MR SPEAKER: It is not pending.

Mr Corbell: Mr Speaker, with all due respect, you do not know whether or not this motion will be brought on again by Mr Smyth—or when it will be brought on. Surely the rule of anticipating debate is relevant regardless of the timing of debate on the motion. The fact is that the motion is on the notice paper, it is listed for resumption of debate at a future time, and it deals with the performance of the public hospital system. Mr Smyth’s question goes directly to the heart of the performance of our public hospital system. Mr Speaker, I simply seek your clarification as to whether Mr Smyth’s question pre-empts debate in the same way that a number of other questions today have been ruled to be also pre-empting debate.

MR SPEAKER: Let me first of all refer you to standing order 275, which draws a connection with proceedings in the House of Representatives. Then let me point out to you that the Speaker really has to pay attention to the probability of a matter being brought before the house within a reasonable time. In my view, merely appearing on the notice paper does not indicate that a matter is going to be brought forward at any particular time. As it is not on for debate today, and as we are going into the Christmas break, it is hardly likely that this matter will come on within a reasonable time.

Mr Corbell: Thank you for your clarification of that.

MS GALLAGHER: In relation to the question about the performance of Calvary Public Hospital, it is true that Calvary is making fantastic progress around areas that have been of concern in the past—around emergency department timeliness and access block, particularly. Its performance in elective surgery is always strong, and it continues to be strong. We have been seeing very large improvements based on the work of the access improvement program in all of those areas, particularly with access block. The access block being experienced at Calvary, according to the latest figures that I have seen, is down to 22 per cent, which is a significant improvement on where it has been in recent times. Calvary is doing an exceptional job in terms of aiming to meet performance targets. We are very appreciative of the effort that all of the staff and management at Calvary Public Hospital are putting into achieving those targets.

It is true as well that, like the Canberra Hospital, Calvary Public Hospital—as Mr Smyth will know—is a different level of hospital. It is not a tertiary referral centre; it is more of a general hospital in relation to the services that it offers. It is currently at around 120 per cent of benchmark in terms of costs with its peer hospitals. We are looking to reduce that over-national-benchmark figure—as we are at TCH—down to 110 per cent.

So we are seeking reductions in costs at Calvary. But our contract with Calvary is strong. It is done in consultation with them. Of course, they would not sign up to anything that they did not feel was able to be delivered. Under our contract with them, which is around \$90 million a year, we give money to Calvary Health Care. We give them some targets and some things we would like them to achieve, and they sign up to that.

In relation to resources, I think any hospital in Australia would tell you that it needs more resources. I have not had a specific request from Calvary—or management—around extra resourcing or heard that they are under significant pressure with the budget that we allocate. In a way, Calvary's management determines the allocation of the budgets—the smaller budgets that are given to run that hospital. In the first instance, I would hope that those discussions are being had at Calvary hospital between management and staff.

I recently met with a number of doctors from Calvary around some of the services that are offered and some concern around the ICU and the cardiac unit that operates there. From their point of view, they would like to see a very significant capital upgrade of those facilities. Whilst I have not been contacted around any criticism of the money that is given from ACT Health to run services, I have had, and am in, discussions with staff at Calvary around capital upgrades. Again, as we discussed yesterday when we spoke about capital requirements of the hospitals, they are significant. I have given an undertaking to Calvary that their request for capital upgrades will be considered by the government in the next budget round.

Disability services—children

MR SPEAKER: I call Mrs Burke. Members, pursuant to standing order 43 and with the leave of the house, Mrs Burke will be permitted to remain seated while she asks her question.

MRS BURKE: Thank you, Mr Speaker, and members. My question is to the minister for disability services. The ACT Disability Advisory Council has released the report of the citizen's jury on community progress towards Challenge 2014—a 10-year vision for disability in the ACT. I note that the report contains reference to parent satisfaction with the adequacy of services available to their children with disabilities being at an average of five out of 10 overall but, more importantly, only four out of 10 for the ACT department of education. Minister, what is your response to this well below average scorecard for services to children with disabilities attending ACT government schools?

MS GALLAGHER: Mr Speaker, as Mrs Burke has said, the ACT Disability Advisory Council has released the first report—I imagine the first of many—of a citizen's jury process on disability services across the ACT. This report card was given to the community, to government and to the business sector as a way of measuring some of the progress in terms of inclusion, essentially, for people with a disability in our community. I attended the citizen's jury process. This is the first time that this has been done.

To be honest about the process, it relies on people to appear as witnesses and tell their story and then for people who have been selected by the jury to channel that information. I and a number of parents of children with a disability who attend school were witnesses. The department of education was not a witness. I did not get involved in providing information in the first round because I did not want to be seen to be defensive of what the government was doing, but this process did rely on people's experiences or perceptions. It did not reflect what is actually going on. As I said, parents or interested community members could appear and say what was their experience and they could have had a less than satisfactory experience, but I think that to take that and then say that that is the experience of all people who deal with the department of education is very unfair.

In fact, if you look at the parent satisfaction surveys that the department does every year in education, you will see that for parents with children with a disability there are extremely high satisfaction ratings for the department. I think that they are higher than those for any other group. They certainly were in my time as the minister. Well over 90 per cent were satisfied with the work being done in the education department in terms of inclusion in school. I think that, to a very great degree, the department of education does a fantastic job with students with disabilities. We have, I think, 1,400 students with disabilities in mainstream settings and several hundred, probably 300, in our special schools, so you can see the effort that has been made over recent years to make sure that children with a disability are included in mainstream schools.

Each child has an individual plan. We have gone into special resourcing for children with disabilities. In terms of the money that has gone to the education department in recent budgets, we have increased the budgets based on the resourcing tool that we use to measure a child's needs by millions of dollars. I cannot remember the exact figure, but it was well over \$4 million, I think, in a number of budgets to improve the support for children with disabilities at school. I did feel when we got this report that to judge the department on those figures based on the representations of a couple of parents was unfair, but that is what you get when you go to a citizen's jury process: you get a whole range of people on a jury having to reflect the evidence given, and the evidence was given over one day by a handful of people who, more often than not for those that appear in such forums, have had some problem.

I do not want to discount the report card because this is the first time that this has been done and it is an important way of keeping us focused on what we are trying to do in disability services—not just the government, but the business community and the community sector as a whole—to make sure that we are constantly thinking about these things, but if you were to ask me to say honestly whether I thought that that was

a fair result for ACT education I would say no and I would say that it did not have the evidence to back it up either.

MRS BURKE: Minister, given the feedback from the citizen's jury on disability services in the ACT, what further involvement will you facilitate for parents of children with a disability to ensure improvements to their education?

MS GALLAGHER: That is really a matter for the education minister. I am sure that he will look at the results of the report card and look at areas to improve their responsiveness to parents, if there are concerns coming out of that process. As I have said, for the parents that speak directly to the department of education the satisfaction rate is very high. That is not to say that you cannot improve your processes; there is always room for improvement. But, in terms of the department doing more, over recent years they have gone to enormous lengths to deal with the issues that parents have raised to make sure that we are adequately resourcing the sector. In fact, I am just looking at that now: \$4.1 million over four years in the 2004-05 budget and another \$4.2 million in the 2005-06 budget to support students with a disability.

Many people will say that resourcing is not the answer, but for students with a disability it often is because it is about creating good learning environments and having adequate supports for these children at school. As I said, I do not want to discount the report card because I think that it is an important way for us to make sure that we continue to look at how we provide services to people with a disability, and perceptions are an important part of that, but this is a matter for the education department and I think that it is a matter that they have really worked hard on over a number of years and that it is an area in which they do exceptionally well. I am sure that the department and the education minister will take note of the report card and look at areas in which they can improve their responsiveness to parents.

Parks and gardens—watering

MR PRATT: Mr Speaker, my question is to the Minister for the Territory and Municipal Services. Minister, could you please detail the current practice concerning the timing of watering public parks, gardens and ovals around Canberra?

MR HARGREAVES: There are an enormous number of different types of them. Some are school ovals, some are public parks, some are very large recreational parks like John Knight Park and the Tuggeranong Town Centre Park, and some are neighbourhood parks. I do not carry that information around on the top of my head, but I will be happy to get the information and get back to the member.

MR PRATT: Mr Speaker, I have a supplementary question. If you need to take this on notice, please do so, minister. Given the upcoming stage 3 water restrictions, which are coming into effect on 16 December, how will the ACT government ensure that the watering of public parks, gardens and ovals will not be wasted during daytime hours and will, instead, adhere to the restrictions being placed on the people of Canberra?

MR HARGREAVES: As I said earlier, there are different types. Some of our ovals are in fact watered by grey water and some are not. The government is particularly

conscious that it would be quite inappropriate to ask the general citizens of the ACT to restrict it and let their lawns die off without actually following suit.

Some of the sprinkler systems in our parks are required to have water go through them at various points in the year, as part of a preventative maintenance program. But that is not an ongoing timing issue. I will need, as I say, to supplement the information to the member when I take some of the information on notice. I am not aware of the timetable of setting the sprinklers off—I do not carry that around with me on the top of my head—but I am very happy to get back to the member on that.

Housing—finance data

MS MacDONALD: My question is to the Chief Minister. Could the Chief Minister please report to the Assembly on the recent release of Australian Bureau of Statistics data on housing finance commitments and the recent release of Real Estate Institute of Australia figures?

MR STANHOPE: I thank Ms MacDonald for the question. It is a timely question and there is some need to set some of the record straight on these particular issues. In recent times, notably this week, there has been some misunderstanding, if not some misinformation, in relation to issues around the position of housing in the ACT and the extent to which the ACT is comparable with other places around Australia.

The question does go specifically to issues around housing finance commitments. The most recent release by the Australian Bureau of Statistics shows the trend rate of growth in the number of housing finance commitments for owner occupation in the ACT at 3.4 per cent for October, which is far and away the highest monthly trend growth rate of any place in Australia. The next highest, for instance, is Tasmania at 0.5 per cent, against the ACT's 3.4 per cent, and most other states are showing negative growth. So it goes from 3.4 per cent in the ACT to 0.5 per cent in Tasmania and everybody else essentially is into negative growth. Compared to the year ended October 2005 the number of housing finance commitments is up by 15.9 per cent to October 2006. The trend number of housing finance commitments for owner occupation in October hit 835, the highest trend number of commitments since August 2003; that is, the highest number of Canberrans committing to owner-occupied home loans since the height of the Australia-wide housing boom.

The average loan size in October 2006 was \$232,200. It has to be said that if there is an historically large number of Canberrans, an increasing number of Canberrans, making this commitment to housing finance it does show their confidence in Canberra and in the city. Of course, why wouldn't they be confident? We have just set an Australian record for the lowest unemployment rate ever recorded in the history of the ABS monthly labour force survey. That is a remarkable achievement by the ACT. We have the highest labour force participation rate in Australia by far—the highest by almost 10 per cent. That is a staggering lead in terms of participation by the people of the ACT in the labour force, and incomes in the Australian Capital Territory are growing.

The strength of the housing market is not just limited, however, to the owner-occupier segment. The latest figures from the ABS show that the value of housing finance

commitments made by individual investors in the ACT rose by 4.6 per cent over the last 12 months. These are particularly interesting figures because, whereas the value of housing finance commitments by individual investors was up by 4.6 per cent in the ACT, it was down by 5.2 per cent in New South Wales, down by 1.3 per cent in Tasmania, down by 0.3 per cent in South Australia and up by 1.5 per cent in Victoria, the next highest in Australia. So there you have it again: the difference between the ACT and New South Wales in relation to housing finance commitments by individual investors is 10 per cent—a 10 per cent differential in investment between Sydney and Canberra. These statistics disprove the claims by some that investors are fleeing the ACT market due to all those self-interested concerns such as rates and, most particularly, land tax.

Post the housing boom, the trend in housing affordability continues to improve in the ACT. The latest home loan affordability estimates from the Real Estate Institute of Australia show the ACT has the most affordable home loans of any place in Australia, largely due to our strong growth in family incomes and, one has to say, despite the Liberal Party interest rate rises of the last 18 months, which have pushed up the price of a long-term loan for an average household on an average mortgage in the ACT by \$74,000—

Opposition members interjecting—

MR STANHOPE: The Liberal Party hate this. The cost of an average mortgage on an average family as a result of those interest rate rises of Gary Humphries and the Liberals is \$74,000.

Mr Smyth: It's Gary Humphries's fault?

MR STANHOPE: Gary Humphries is always out there prattling on that it's all the commonwealth's responsibility that the ACT has got a strong economy. Try and get Gary Humphries to talk about interest rate rises. Try to get him to talk about his promise before the last federal election: "a vote for Liberal is a vote for no rises in interest rates". Have you noticed that you cannot get Senator Humphries to talk about his \$74,000 contribution to the average mortgage on the average Canberra household? Gary Humphries's legacy is a \$74,000 bill to the people of the ACT.

The latest data from the Real Estate Institute of Australia shows that the median house price in Canberra has risen by 1.3 per cent. (*Time expired.*)

MS MacDONALD: My supplementary question is this: Chief Minister, how does the data from the ABC and REIA demonstrate that there is a high level of confidence in the ACT economy?

MR STANHOPE: Thank you very much, Ms MacDonald. One of the incidents in relation to the ACT—one of the misapprehensions or misunderstandings—that need to be addressed is the extent, the behaviour or the trend in relation to housing affordability and house prices in the ACT. It is the case that a year or so ago Canberra had the second highest median house price of any place in Australia, after Sydney—a reputation that was not particularly helpful in terms of the attractiveness of the Australian Capital Territory. Of course, it did impact on affordability.

It is interesting, though, that, even in an environment where we have the highest number of housing finance commitments and the greatest increase in the rate of house construction out of the slump that we have experienced, the median house price in the ACT has moved from second highest in Australia to fifth. We are now fifth. This is interesting. I have been trying to get Ross Solly and the ABC to run some of these numbers, but they seem almost ideologically opposed to the good news.

Mr Mulcahy: He doesn't want to lose his audience.

MR STANHOPE: That is exactly right—of two. We have moved from second on median house prices to fifth. We are now fifth, behind Sydney, Perth, Darwin and Melbourne. That occurs in the context of some misinformation—almost pathology—around Canberra and its affordability. The ACT now has the fourth lowest median house price of the capital cities in Australia. That is very significant.

In this debate about real estate affordability, with the “We'll all be rooned” Hanrahans that are out there in relation to these issues, it is also interesting that you never see the Real Estate Institute of Australia—you never see my good friend Peter Blackshaw—actually refer to this particular figure: the average annual return on a three-bedroom investment house in Canberra, as recently as the last quarter, was 10.9 per cent. The third highest level of return on a three-bedroom investment house in Australia is achieved in Canberra, at 10.9 per cent—third only to Perth and Hobart. The average annual return on a two-bedroom dwelling in Canberra in that quarter was 7.8 per cent, as against 2.1 per cent in Sydney, for instance.

I am not sure where this flood of investors out of Canberra is going. It is flooding off to invest in housing in a city with significantly lower annual returns, according to the Real Estate Institute of Australia. There is a flood of investment from Canberra at 10.9 per cent to a far lower level of investment return in Sydney? I hardly think so.

The figures of the Real Estate Institute of Australia disprove the claims that are being made around the extent to which investors are packing up and leaving because Canberra is not the place in which to invest in real estate. The Real Estate Institute of Australia will tell you that it is the third best place in Australia to invest in terms of returns; those are the numbers of the Real Estate Institute of Australia.

I turn to the supplementary. Of course, I need hours. Once anybody asks me a question about the strength of the ACT economy, it does deserve or demand absolutely hours in response. The level of economic activity in the ACT in 2006 is simply unprecedented. The volume of private business investment in the ACT has grown by 38 per cent over the year to September 2006, to a record volume of investment of \$2.2 billion. In the 21 years that the Australian Bureau of Statistics has been compiling estimates of investment by state, the only time the ACT has recorded growth similar to this was during the time of the construction of the new parliament house.

The level and growth of private business investment are, I think we would all agree, easily the best measure of confidence in an economy, not just now but well into the future. The trend level of employment in November 2006, for example, is 190,700, an

increase of 6.1 per cent over the trend level in November 2005, of 179,000. In other words, 11,000 further people have been employed in the ACT in the last 12 months. That is almost 1,000 a month. The number of people in paid employment in the Australian Capital Territory is increasing at the rate of 1,000 a month. Interestingly, women now constitute half of the total employment in the territory.

Schools—closures

MRS DUNNE: Mr Speaker, my question is to the minister for education. Minister, the opposition has been advised by the media and others that you have announced that you will close Flynn and Cook primary schools, effective from December 2006 and 2007 respectively. Who made the decision to close Flynn and Cook primary schools? Why were these schools listed for closure? What issues were taken into consideration in the decision to close Flynn and Cook primary schools in December 2006 and 2007 respectively?

MR BARR: I will be making a ministerial statement on these matters shortly.

MRS DUNNE: Mr Speaker, I have a supplementary question. In your ministerial statement will you be making it clear who made the decisions to close these schools?

MR BARR: Under the Education Act, I, as minister, am required to make those decisions. I will be making that clear in my ministerial statement.

Citizenship

MS PORTER: My question is to the Minister for Multicultural Affairs. Minister, on Monday, John Howard announced that immigrants to Australia will have to pass an English language test and values test before gaining Australian citizenship. Can you inform the Assembly on the ACT government's position on this test?

MR HARGREAVES: The Stanhope Labor government is strongly opposed to the introduction of a formal test that may alienate culturally diverse individuals and may deter them from taking up citizenship. The test will involve an English language test and will also examine prospective citizens on Australian society, culture, values and history. The test will have a database of 200 questions and each applicant will be required to answer 30 random questions using a computer system.

There are a huge number of problems with this proposal. First of all, the system only assesses a person's thinking and memory. People with a disability, those who have low literacy and individuals who have experienced torture or trauma would all be discriminated against under this proposal. Also, any computerised system is biased towards younger and highly educated applicants with strong English language skills.

While such a test may well assess one's cognition and memory, it cannot possibly assess a person's adequacy for citizenship or commitment to Australia. I know people who took years, even decades, to get properly acquainted with Australia and then fell in love with the country. It is difficult for people when they first come here. They may settle here, have to pick up a menial job—sometimes despite their skills and qualifications—and look after a family. It is difficult for these people to quickly pick

up English or understand why Australians like beetroot in their burgers or pineapple on their pizzas. When migrants settle here it is natural for them to mix with people of their own background and slowly start mixing with other cultures and joining society.

Does knowing the names of Australia's first three Prime Ministers really make you a better citizen? In fact, I think it would be fair to say that many native born Australians would not be able to name them. The point is that this does not make them bad people—or bad Australians. Even defining Australian values is a hard ask, let alone formally testing them. This is not surprising, of course, given the highly subjective nature of any “value”.

I was at the Muslim Advisory Council meeting last night and this proposed test was mentioned. The members of the committee commented to me that they felt aghast that the Prime Minister might feel that values such as kindness to one another, sharing and helping those in need are not held by people from other nations. John Howard and Andrew Robb do not hold a mortgage on values. It is not up to them to write them, prescribe them or test them.

Abstract concepts such as mateship and a fair go will mean something different to every citizen, regardless of their cultural background. Our vibrant nation and all that it offers today was built on the skills and contribution of people from distant lands with different cultures, religions and beliefs.

Migrants contribute to all aspects of our nation. In fact, they are part of the Australian way of life and Australian values. Migrants who arrived here in the 1950s, 1960s and 1970s with only limited resources and English language skills today employ thousands of people in businesses across the country. Some of the migrants from those days still are unable to speak adequate English and many certainly would be unable to work a computer.

I remember the Prime Minister visiting the Hellenic club in September and saying that the Greeks who came to this country are model citizens. Well, they would have been discriminated against if they had been made to sit this citizenship test. I have no doubt that there were probably some Greek people at the Hellenic club on that day that would have found it difficult to pass the Howard government's proposed citizenship test.

The proposed sale of the Snowy Mountains hydro-electric plant earlier this year generated a huge public outcry. This development, seen by many Australians as a symbol of multiculturalism, was developed largely by unskilled migrants. Most of them would have failed this citizenship test, which is based on ill-defined values and concepts.

Furthermore, the inclusion of an English language test as a condition of citizenship is discriminatory and divisive. A person's language is a consequence of race, descent or national or ethnic origin. This provision is ethnocentric and may well disproportionately impact on people of certain racial or ethnic origins.

Already we have seen it divide the federal Liberal Party, with Mr Georgiou speaking against it. He is opposed to it for good reasons, as reported in the press. I would be

interested to know where the local Liberals stand. Is this another issue that will divide those with close family ties to immigrant communities from those whose families have been here longer?

MS PORTER: Mr Speaker, I have a supplementary question. Minister, can you inform the Assembly of what the ACT government is doing to promote inclusion and diversity in the ACT, rather than following the Prime Minister's lead in dividing it?

MR HARGREAVES: I thank Ms Porter for the original question and for the supplementary. The Stanhope government is committed to ensuring that multiculturalism continues to be embraced in the ACT, despite the divisive policies of the federal Liberal government. In today's paper I note that the Prime Minister does not want to use word "multiculturalism"; he prefers the word "integration". I believe "integration" is a way of suppressing a person's culture. Suppressing a person's identity, belief system and their own personal values leads them to express themselves in other, sometimes violent, ways. Because of this, I think it is irresponsible for any government to try and promote the suppression of a person's human rights and identity. The ACT government believes in and promotes multiculturalism.

Under the Human Rights Act 2004 each of our citizens is free to hold their own beliefs, practise their own traditions and speak in whatever language they choose. In the ACT we embrace diversity. We are grateful for all that it has brought to us. We do not predetermine what beliefs, traditions and languages are the "correct" ones for the ACT.

As I have mentioned, Australia is the only developed country not to have a statutory or constitutional bill of rights at the national level. Canada, the UK, the USA and the Netherlands all have strong domestic legal protection of human rights. Such a national legislative framework would provide greater assurance that migrants' rights, as well as citizens' rights, would be better protected.

The Stanhope Labor government is working hard to promote inclusion in the face of divisive federal policies. I am pleased to inform the Assembly that planning Canberra's premier celebration of diversity and multiculturalism—the multicultural festival—is well under way. Last week I had the privilege of launching the 2007 National Multicultural Festival program, poster and website at the tradies club in Dickson. It was with a great sense of pride that I looked out into the packed room to a sea of faces that represented all members of our vibrant multicultural sector.

We are lucky here in the ACT, as we have terrific access to ambassadors, high commissioners and diplomatic staff, many of whom attended the launch. The festival is now less than two months away and will run from 5 to 18 February 2007. There were 165,000 attendees last year. Over 190 different cultures gathered together for this great event. There were thousands of people exploring other cultures and cuisines under the glorious Canberra sunshine. Guess what: no-one asked whether they were citizens or able to pass some trumped-up trivia test. They were simply members of the Canberra community, interstate or international tourists enjoying being here.

While I am on my feet I would like to take this opportunity to thank the artistic director of the multicultural festival, Mr Dominic Mico. There is no doubt in my mind that the festival would not have grown as it has without his hard work.

Last week marked the first birthday of the Theo Notaras Multicultural Centre. This centre, the first in Australia, provides a home to many of the city's multicultural groups. There are 29 cultural groups in the multicultural centre, with another two African groups to be accommodated shortly. Through the centre our multicultural groups are able to make sure that their cultures, traditions and beliefs are passed on to future generations and to the community at large.

Last year I hosted six multicultural forums, culminating in the multicultural summit in December last year. These forums offered a great chance to talk to the multicultural community about issues affecting them. And I have conducted more ministerial forums this year so far. The issues raised in these forums were used as the basis of the development of the *Draft ACT multicultural strategy 2006-09*, which I will table in the Assembly this week. The purpose of the strategy is to provide our multicultural community with a road map to our future prosperity. Part of that is ensuring that all sectors are engaged and feel empowered to work with the government to address the issues affecting them.

We are all very lucky to live in a city where multiculturalism is not only embraced but also a way of life. The Stanhope government will continue to work hard to ensure that we continue to enjoy our way of life without unnecessary interference in our liberty and without excluding someone who happens to be different. Jon Stanhope declared Canberra a welcoming city. A welcoming city means that we do not have any predetermination of how people think and what is in their hearts. We do not need to give them a trivial pursuit question to prove the point.

Mr Stanhope: Mr Speaker, I ask that further questions be placed on the notice paper.

Auditor-General's report No 8 of 2006

Mr Speaker presented the following paper:

Auditor-General's Act—Auditor-General's report No 8/2006—2005-06
Financial Audits, dated 12 December 2006.

Motion (by **Mr Corbell**), by leave, agreed to:

That the Assembly authorises publication of the Auditor-General's Report No 8/2006.

Schools—closures

Ministerial statement

MR BARR (Molonglo—Minister for Education and Training, Minister for Tourism, Sport and Recreation and Minister for Industrial Relations) (3.48): I seek leave to make a ministerial statement concerning the renewal of schools in the ACT.

Leave granted.

MR BARR: I thank the Assembly for granting me leave to make this ministerial statement. On 6 June this year, the government released the *Towards 2020: renewing our schools* education proposal for community consultation. Our aim was to consult with the community on a series of proposals to ensure the sustainability of our public education system at a time when it is facing significant challenges. Today I have announced the outcomes of this consultation process and the most significant public education reform package seen in the ACT since self-government.

Education is the foundation for future success in life. We have a responsibility to ensure that all Canberrans have access to the best education possible, a responsibility to ensure that they can access world-class choices and opportunities, no matter what their background or socioeconomic status.

The Stanhope government believes that high quality education should not be a privilege afforded only to those attending private schools. It is a right for all students. Demographics are changing. The latest Australian Bureau of Statistics figures show a significant decline in our school-age population. Between 1996 and 2005, the number of primary school age children in the ACT decreased by 2,600, or eight per cent. The population of high school and college age students decreased by 1,500, or five per cent. Enrolments in ACT public schools have fallen by seven per cent since 2001.

Our population is ageing and we are seeing an increasing number of students and their families choosing to attend non-government schools. Currently 41 per cent of Canberra parents choose to send their children to the private system, a system that has received record support from the federal government. These factors combined have meant that there are fewer students in our public education system than ever before.

Public education in the ACT was heading towards being the choice for a minority of students within a decade. We faced the risk of it becoming a safety net for those who cannot afford private education. Coupled with a declining school-age population, this has meant that there are fewer students than ever in our public system. In a system that was built for 55,000 students, there are now only around 35,000. We also face the challenge of maintaining the ageing infrastructure in our schools. The average age of our schools is 33 years. Too many of our education dollars have been consumed in maintaining ageing infrastructure. The government was faced with a stark choice: to do nothing and let our system further decline or strive to provide a better system for our current students and future generations.

Today the Stanhope government has responded to this challenge with a package that we believe will result in a better public education system for all Canberrans. This education reform package to renew our schools reflects the input and ideas of the Canberra community. I have spent the last six months consulting with the community around this package. Whilst this has been a difficult time for many parents, children and school communities, their commitment to the sustainability and success of our public education system has been obvious.

At the close of business on 6 December, more than 350 written submissions had been received. I, along with departmental officials, have held over 700 meetings with affected school communities and interested groups. I have undertaken over 100 school visits. I know that many members of the Assembly have also been part of a large number of discussions with communities. I have been impressed with the quality of submissions received and with the engagement of school communities and their constructive approach. I believe that the package the government has released today shows that this was a genuine consultation process. We have listened to the views and concerns of the community and we have responded with a package of reforms that meets the needs of the community now and into the future.

Today the government announced a new focus on early childhood education. There is increasing acceptance around the world that development and education in the early years is essential to learning and development in later life. More and more research is highlighting the importance of early childhood education. Research on the value of early childhood education programs, particularly for children who are disadvantaged, is undisputed and well substantiated. Short-term benefits include improved cognitive functioning, school readiness and social skills. Longitudinal studies have demonstrated positive effects on school completion, further education participation, employment outcomes, earnings and general social wellbeing.

The Stanhope government is determined to provide Canberra's children with the best start in life. From 2008, all preschools will be amalgamated with a primary school in order to streamline pathways for children. Some primary schools will have more than one preschool annexed to them. Our new curriculum renewal framework has a strong focus on teaching and learning in the early years. The amalgamations will improve the continuity of learning and ensure that children can access an integrated education curriculum.

Today we have announced that we are expanding the availability of early childhood schools catering for students from preschool to year 2. In southern Canberra, schools will be located at Narrabundah, Lyons and Isabella Plains. North Canberra will be served by Southern Cross in Belconnen and O'Connor Co-Operative in the inner north. These new schools will commence in 2009 and will focus on early childhood education and early intervention, providing a solid foundation for learning in the future.

A paper commissioned by the former coalition Minister for Children and Youth Affairs, Larry Anthony, found that the provision of early childhood services in Australia is not well coordinated. It stated:

There is no integrated system of services for children and families.

Over the next two years, I will be working with my colleague Katy Gallagher to deliver integration of services at these school sites. Over the coming year the Department of Education and Training will be working with the Department of Disability, Housing and Community Services on the possible range of services. We envisage that these early childhood centres will provide other early childhood services

in addition to education. Minister Gallagher and I are committed to creating a best practice model for our younger students.

In addition to having early childhood schools, parents and students throughout Canberra will be able to choose a schooling option that suits them, no matter where they live. In addition to the traditional P to six, seven to 10 and 11 to 12 models, there will be a new middle schooling focus at Stromlo high school and North Tuggeranong, extending to south Canberra an option that already exists in other parts of the city. Parents will also be able to choose Melba-Copeland secondary school, a seven to 12 school which maintains separate campuses for the high school and college years. The government recognises that, when Gungahlin college opens in 2010, it will be necessary to review year levels and whether to locate the secondary school on a single site. Every student in Canberra has individual needs; we should not take a one size fits all approach to their education.

This increased choice and diversity will be supported by a record injection of funding into public education. Since being elected in 2001, the Stanhope government has increased investment in education by 30 per cent. This package builds on this commitment to public education with a record \$90 million injection to renew our schools over the next four years. In this financial year alone, this means over 220 projects in 70 schools, including new science labs, new arts rooms, upgraded play and sports areas and much needed improvements to the look of schools.

We as a government refuse to accept that students and teachers should work in surroundings that would be unacceptable in other workplaces. We will invest the money needed to ensure that our classrooms are worthy of the students and staff who work in them. We know that students who have pride in their school are more successful than others. We want to create schools where students, parents and teachers are proud of their environment from the moment they walk through the school gate. In short, we will be ensuring that our school facilities live up to the promise of our students.

We will also invest \$20 million in information technology in our schools. This investment will help us realise the potential of new technologies and will see the ACT continue to lead the nation in the use of IT in teaching and learning. Renewal of our school IT infrastructure will ensure that students can enjoy all of the opportunities that state-of-the-art access to the internet and cutting edge technology can provide. Students in the ACT will be able to carry in their iPods multimedia portfolios of their work from throughout their schooling. We are making this a reality with the student digital passkey project. Parents will be able to participate in online discussions and lessons, check online what homework has been set and engage with their child's teacher through online videoconferencing. We will also introduce electronic roll marking and an SMS service for parents to alert them to student absence.

Broadband connections will be upgraded in every public school in the ACT—an Australian first. This investment will address the pressures placed on the current bandwidth connecting schools to the internet and to each other. Wireless networking capability will also be rolled out to all schools. This project will put ACT schools at the leading edge of bandwidth provision both nationally and internationally. This

investment in IT will help us meet the education needs of students in the 21st century and prepare them for life beyond school.

The government is committed to quality teaching and learning environments. We have announced a new P to six school in Harrison, which is being constructed to open in 2008, and a new, state-of-the-art P to 10 school in west Belconnen, which is also currently being constructed and which will open in 2009.

Today I have announced that the new college and combined CIT campus for Gungahlin will come forward a year and be opened in 2010. I have also announced a new \$54 million P to 10 school for Tuggeranong. Community consultation will commence immediately on the new school, which will be built on the site of the current Kambah high school and open in 2011. This is a further example of the Stanhope government's commitment to seeing state-of-the-art, modern schools in established areas of Canberra as well as developing areas such as Gungahlin. It is important that our education dollars are spent where they are most needed.

For the government to be able to undertake this record investment in public education we have had to consolidate the number of sites from which we operate. Today's package does see some schools closing. I know that this is a particularly difficult time for students, parents and teachers in those schools. I would like to assure the Assembly and the community that I did not take any of these decisions lightly.

I acknowledge that this change is difficult. I know that school communities impacted by my decisions will be upset. I know that life for many people in our city will be initially disrupted by these changes. The government is committed to making the transition as smooth as possible for those children who will need to move schools. The Department of Education and Training has been working with schools and families since term 3 to smooth the transition process.

School principals have been, and are still, available for meetings with individual students and their families to discuss transition plans. Departmental officials are working particularly closely with families with special needs students who need to move schools. I have announced today that information days will be held at all ACT government schools on Friday, 15 December; Tuesday, 19 December; and Friday, 2 February 2007. Principals and staff will be available on these days to welcome families to their school, provide information about their school and assist students and their families to consider their options.

The government will be providing financial assistance to each child affected by a school closure, to assist with the transition to a new ACT government school. This transitional assistance will, for example, help with the purchase of new school uniforms. The payment will be made once a student in an affected school is enrolled in another ACT government school. The Department of Education and Training will be working with the Department of Territory and Municipal Services to ensure that school bus routes, and the traffic flow around schools, reflect the changes that I have announced today. New timetables will be notified on the ACTION website by 19 January 2007.

While some will feel the pain of these decisions, I believe that the government is acting in the best interests of our entire community in securing the future of public education in our city. I said in my inaugural speech in the Assembly that good government is about making difficult decisions in the best interests of our community, and that is what we have done today. Whilst this change process is hard, our public schools will benefit.

We are determined to promote our public education system and its strengths. With these reforms, we will rightly be able to say that our education system is the best in the world. The focus now needs to be on renewing our schools and promoting the benefits of our public education system. This begins tonight, with a media campaign to promote our public schools. The tag line “Public education: so much more to offer” will be used. The campaign will initially run for a week and will then run as students return to school next year.

I would like to thank the school communities and members of the wider community who have engaged in this process in good faith and spent time and effort in developing submissions. I applaud the passion and commitment that parents and the broader community have shown during this consultation period. I know that today’s announcements will not have made everybody happy, but these reforms and the record levels of investment will ensure that the ACT’s education system is equipped to face the challenges of the future.

I present for the information of members a paper entitled *Towards 2020: the decisions*. I move:

That the Assembly takes note of the paper.

MRS DUNNE (Ginninderra) (4.03): All over Canberra at the moment parents are buying school clothes and equipment for excited five-year-olds who are looking forward to starting school next year. Some of the purchases will go in Santa bags and Christmas stockings in about two weeks time. Parents are buying for kids who still think that drawstring hats are cool and that the mastering of the action of a glue stick is quite an achievement. Somewhere at the moment there is a potential chief minister getting excited about his Bob the Builder lunch box. There is a future Nobel laureate trying on pink Chuck Taylors and there is a possible prime minister picking out his first ruler. A great craftsman of the future is making a crucial decision: will it be the Buzz Lightyear or the Lisa Simpson drink bottle?

Parents know that this is a special moment. They know that they hold their children’s future in the palm of their hand and that they are sending them out onto a journey that will take them into undreamed of futures. They know that how they prepare for and undertake that journey will make a huge difference to where they end up. We should remember that, because out there amongst the children with eyes full of excitement is the kid who might never quite fit into school and who turns up dead of a drug overdose—the one who is always in trouble, who dies in a car crash, or the girl who might fall pregnant, drop out of school and never work again.

The terrifying thing is that these are the same kids. What we do and how we treat them is what makes the difference. We can never guarantee successful outcomes, but we can give them the best chance. For those of us whose minds run on economic lines, it would, in theory, be possible to convert the differences in outcomes to costs to the community in dollar terms, and the differences would obviously dwarf any possible savings, but this would be to miss the point.

On behalf of the community who have chosen us, we exercise a sacred trust. That is nowhere clearer than when we make decisions about our children and our constituents' children's futures. The extent to which we value our education is a measure of our society and our civilisation. When we invest money in the future in terms of education, what do we really think that we as a society are doing when the cost is entered on the red side instead of the black?

To view the world in purely fiscal terms does not give an accurate picture at all—or, rather, it is accurate, but only in a very narrow sense. By all means, let us be responsible. At the same time, let us not forget what the purpose of public expenditure is. Surely it is a benefit and not simply a cost. Surely the ultimate return, however intangible, repays the dollar investment many times over. If, in a time of high prosperity and full employment, a community which places a great premium on education still cannot manage to fund a decent education system that covers the needs and the aspirations of the people in our community, then we are clearly looking at a failure of financial management.

As I go through the community, as I have done in the past six months and as my colleagues have done, the simple, most obvious and most often repeated questions from puzzled parents across the community are “Why?” and “What are they trying to achieve?” Of course, parents asked this question because they needed to know what the government was trying to achieve and why they were doing it—so that they could negotiate an outcome for their schools.

We all know that this is not about educational benefits. There is no educational theory in this minister's proposal—just a few platitudes in a document and yet another one here. At least this time he does actually take off the buzz words—the decoration—like “choice” and “diversity”. What we are doing is limiting choice and cutting away diversity. The minister says that this is about arresting the decline. It is not about that: no attempt has been made to find out the reasons why one per cent of children are leaving the ACT government system every year. There has been no attempt to address the reasons—the curriculum issues, the overworked and underpaid teachers and the lack of discipline or the different approaches to discipline, whether it is a matter of uniforms, values or structure.

Everyone seems to assume that this is about economic rationalism. Mr Barr likes to make large of the fact that he is an eco rat who is making hard choices in difficult times, but this is not the case. As announced in the follow-up to the budget, the minister said that he expected to make savings of \$34 million in the four years of this budget. The proposals that the minister has now put forward for fewer closures and more expenditure mean that those minuscule two per cent savings over the life of the budget will be even less. And at the time of the budget, the minister was proposing to

spend \$185 million over four years in capital injection and write-off of school buildings, up to \$20 million for IT and another \$10 million for transitional services and additional maintenance.

In addition to that, today we find that in the next budget cycle we will see another \$54 million for what I suspect is an unsought—except by the education union—and unwelcome superschool on the Kambah site. That will have implications for schools not listed in this program. Mr Temporary Deputy Speaker, you need to be aware that schools in your constituency that are currently not listed for closure will be impacted on by this. It will be impossible for Urambi primary school and preschool to continue to operate in the shadow of the superschool that Mr Barr proposes to build in Kambah—in the same way that it was impossible for the Higgins and Holt schools to continue after the ill thought out proposal for a west Belconnen school.

Everything about this proposal is based on dodgy assumptions. There were the capacity figures. I do not know of a school that, in the course of this process, did not have its capacity figures reviewed, and have them reviewed down. The capacity figures seem to have been worked out on the basis that every space that was surrounded by walls in a school was a teaching space—so IT areas, art rooms and libraries suddenly became classrooms and had a notional amount added to them.

We also have to see that in much of this we have not taken into account the other costs that will be eaten up in this process. There are the costs of portables. And there is the sleight of hand achievement of savings by transferring costs like transport to parents and to the Department of Territory and Municipal Services. There has been no serious discussion about asset sales. This is something that the minister and the government have skirted around. Perhaps some would say that there would be an upside if some of the assets were sold to the benefit of the community.

All of these things are predicated on the fact that this economic rationalist minister is about making sound financial decisions. But economic rationalists are not about just cutting spending; they are about cutting unproductive spending. I do not know that there is anyone in this house or in this community who would think that expenditure on education was unproductive spending. Besides, as I have said before, these are not difficult times. The Chief Minister said only yesterday on radio, and again today, that the economy is booming—that we have record low unemployment and that the economy is going gangbusters. The ACT is a top jurisdiction for income and it is a community that cares about education.

What are all the changes that the minister has brought forward over this disastrous six months about? Some of them have elements of public service hobbyhorses. There are some members of the public service who are not imbued with the history and development of education in the ACT, who have come late into the department of education and who are still scratching their heads a bit about why we have the unique education system that we do. I still come across bureaucrats who say, “Well, it would be all right if we did not have these senior colleges.” The senior college is the jewel in the crown of the ACT government education system. With the Melba amalgamations, we are already seeing the signs that this will be the beginning of the end of the stand-alone college system. It may not be too bad in the short term, but in the long term

there will be an end to the stand-alone college system, without any justification. There is nothing in any of the research that has been done to justify it.

The previous minister rightly implemented a review into the college system because it had been operating for 30 years. What did that review say? It said that there were some problems with transition and some problems around the edges that needed to be fixed, but that none of the problems were insurmountable and that there should be no changes to the structure of the government college system because it was a system that worked. We should be looking at the issues of transition between various sectors and fixing those problems, but not undoing the great good of 30 years of educational practice in the college system.

We have a tyro minister who was brought in with his mission impossible task set for him by Mr Stanhope and Mr Costello: “You have to do something to cut the spending in the department of education.” He sat down with his group of advisers and a few public servants and said, “Well, what do we do? We have got to do something.” Eventually they came up with something, and then they decided that therefore they had to do this. You have to wonder about people who get to this situation. Look at the proposal that this minister has come up with. “We will cut a little bit here and we will shave a little bit there.”

It reminds me of the Press Club luncheon that was given before the 2001 election, when the then aspiring Treasurer, Mr Quinlan, said, “We will cut and shave.” What we are doing here is cutting and shaving. A few years after the Press Club luncheon, when he became the Treasurer, Mr Quinlan became more emboldened; he said, “We’ll squeeze you till you bleed, but we won’t kill you.” This is what this minister is doing. He has taken a few leaves out of the lesson book of his mentor; perhaps they should be put back. Mr Temporary Deputy Speaker, you have to wonder about the sort of person who says—

MR SPEAKER: No, I am the permanent one.

MRS DUNNE: Sorry, Mr Speaker. Your return is welcome, Mr Speaker. You have to wonder about the kind of mind of people who say, as the minister said here today, “People are leaving the education system. If we do not do anything we will soon be a minority system”—I am glad the minister has caught up with that—“and if we do not do anything we will soon be just a safety net system. I know: we will reinvent the school system and we will change the definition of ‘high school’. That is what will make the change.” You only really make sense of this by seeing it as either an act of panic or some kind of risk aversion.

Let us look at how things work in other circumstances. Let us look at how things work in business. What would you do? If you were in business and you started to lose market share, what would you do? There are two options. There is the visionary option: you go out and do market research, find out why you are losing market share and change and redevelop your products. You retain staff, you retrain your staff, you improve your marketing and you make a better product. Or you panic and you focus on cutting costs. You stop marketing and research, you close down outlets and you hold a fire sale. Today, Andrew Barr held the education fire sale.

Very soon, under the tutelage of the minister, under Jon Stanhope, government education in the ACT will go into receivership. Very soon, we will become the minority system. Very soon, if there is not a change in policy—it is never too late to change your policy—we will see a system where our government high schools are there only for the disabled, the poor and the kids who are too intractably badly behaved to go to other schools. That will be a shameful day, and that shameful day will be brought about by the Stanhope government.

This is what we have done today. We got the panicked approach of a minister who realises that he is losing market share. He realises that market share is important, but he does not have the vision to go out and find out why, to find out how he can make this the best system in the world, to find out how he can make this system so attractive that people will not feel the need to send their children to non-government schools. All the minister is interested in is baubles. Like his predecessor, he thinks that today he can pay people off—he can buy them off—by spending money.

Minister Gallagher thought that she could buy off the people of west Belconnen by spending money on pulling down schools and replacing them. This minister is attempting to do the same thing. He is going to attempt to buy off the people of Canberra with baubles. It will not be an education system that we can be proud of in the future, because this is the minister who has no vision. (*Time expired.*)

DR FOSKEY (Molonglo) (4.19): I am quite sure Minister Barr has learnt a great deal during this process from the time he first made his announcement here in the Assembly, but he has never once been willing to admit that he has learnt anything or that there have been any faults with the process. For instance, time after time the community has pointed out that much of the data the government was basing its 2020 strategy on was wrong. It is quite possible that use of the correct data has led to some of the changes in decisions that have occurred.

We do not know why some schools have been saved and others have not. That is something I would like to hear the minister address, if he responds to this motion or to this discussion. It is not in any of the material that was handed out today. I would like to know, for instance, why the proposal for Yarralumla to go from a P to 2 has been dropped. Narrabundah is a school which has really been assisted and understood by the education system in this town for many decades. We realise how important it is that that school be made strong because it has around 50 per cent indigenous students.

I am hoping there is still time for some good sense to prevail—and I will definitely acknowledge that there have been some sensible decisions. I guess I always wondered if some of them were ambit claims, such as the inclusion of Dickson College on the list. I notice that in the inner north now there is no change. That indicates either a good campaign or silly plans. I do not know; I want to hear those things.

We are going to see a loss of diversity in the system. We have seen cavalier treatment of the communities of Hall and Tharwa. Those communities were here well before Canberra was established. I suppose it is fairly ironic that we are seeing this move, which will make their viability much more difficult. I think this shows a bias against small schools. There seems to be some sort of belief that we cannot see resources

going into schools where it is a sort of cross-subsidisation, we might say. The loss of the Hall and Tharwa schools, from my experience of those communities, is a really cruel blow. There are not many voters there, I suppose. Is it so cynical, or is there a bias against small schools that do the job?

I want to go through some of the other decisions which I think are rather anomalous. They do not make sense. Kambah high school is going to close. We are promised a you-beaut school—I am not going to use the word “superschool” because, if it is, it might take off and fly away like Superman. It has this look of gloss and so on, but unpick these concepts. It closes, but there is no new school until 2011. What happens in the meantime? What happened to the proposal, which I thought Mr Barr was looking at reasonably favourably, to make Kambah high the TAFE outpost of Tuggeranong? Maybe we will see a you-beaut CIT branch down there at some time. These communities have special needs due to their demography. That is something I do not see reflected in these decisions, unless it is that more powerful communities had more sway or that deals were made with backbenchers. I do not know.

Mr Barr: Oh, crikey.

DR FOSKEY: You tell me, Mr Barr; I am asking you. It was interesting to hear that more electronic communication for parents will be set up. I reckon they are going to need it because it is going to be harder for them to get the person-to-person interchange which I think is what makes a school community strong. There will always be some people who are willing to front the school community, but people who have had a hard time themselves at school are not the ones you will see down there walking the corridors, going in, seeing how their kids are going, and helping with the reading. They are probably not the ones who will be using the email and internet to tell the principal that their kid will not be at school today.

There is a certain smugness on the government benches. I suppose that is something you need to get you through today, because I do not think it has been a really good day for the government. I find the hide that you put up when people make constructive criticism really not useful. It is something the school communities have also experienced during this process.

I think it is very sad that we are seeing the end of Melrose primary school. That is a growing community. It is a sustainable school with programs that bring in the community. I think there are reasons why its numbers are low. I am sure the government knows those reasons. I think the school community fought very hard, despite those issues. I am very certain that that community are not going to sit down and let their school close, because there is a huge number of children coming up there. I am glad the preschool stays open. Lyons primary school is now P to 2. It is my belief that making a school a P to 2 is another way of saying it is going to close. We will see.

Mr Corbell: That is outrageous.

DR FOSKEY: Of course it is outrageous, Mr Corbell. Everything anyone else has said today has been outrageous, in your opinion. It is interesting that apparently that was not the case in Yarralumla. That is exactly what that school argued. It stays open

as a P to 6, and Narrabundah remains a P to 2. I must say the Narrabundah proposal was an extremely innovative one that could have put Canberra at the absolute cutting edge of indigenous education in any city in this country. I will be very interested to see your response to that submission, Mr Barr.

We see that Mount Neighbour is closing. There are school communities that did not put up a big fight. For some of them it was because they saw it as inevitable; some might have even thought it was a good idea; and some did not have people who were prepared to go those hard yards—and they were really hard yards. I saw a lot of people that were totally exhausted and burnt out at the end of the process. They racked their brains and came up with some good ideas.

Village Creek is going to go; Isabella Plains becomes a P to 2; and Macarthur preschool, which is a well-used preschool and the only community facility in that community, is going to close at the end of next year. It is the same with Village Creek, which is to close at the end of 2010. There is still time to save those schools.

Turning to Rivett preschool and primary school, maybe the death knell was put on that school with earlier decisions that were made. It is really ideally placed in that community. We now see people with very hard choices to make about which school they go to.

Opposition members interjecting—

DR FOSKEY: You have to be a parent of one of those children to speak on this, I think, Mr Corbell and others.

Turning to Weston Creek primary school, Weston Creek is ending up being fairly poorly served. As for Cook primary school, it is another small school but it is pretty much full. It has a very active parent community. I would be very interested to see the reasons why it was decided to close that school.

I am glad Giralang stayed open. Those parents mounted an excellent campaign. Still, against the remaining opening of Giralang, the closure of Cook looks very anomalous. Southern Cross will become a P to 2 from 2009.

I think there is promise and hope in the Melba-Copland dual campus idea. I am very glad Melba is not closing. That is one of the schools that I think play a really important role. There are some very great success stories from that school. Again, I believe that one would benefit from developing technical education on that campus, with particular thought for the needs of students in that area. It is very sad that Flynn primary school is closing in a couple of weeks. It is a beautiful school and it also has a very strong community. I know they will be very upset.

I still think that if the government had accepted the idea that was put up over and over again by many parts of the community and by the Greens to put off these closures until the end of next year and do a really good process, we would have come up with something people would have been happier to own.

I want to go back to some things that we need to remember here. Before the 2020 process we had the 2010 process. That was a process that looked a lot healthier because it had a longer time frame. Not only did it have the idea of improving public education as its objective but this was also its subtext. I think the department has done some good things with this 2020 strategy. They have. I am going to give credit where it is due.

Mr Barr: I like that.

DR FOSKEY: It is in *Hansard*, actually. We could have had a process the community could have worked with which could have been owned by all the players. I go back and remind this minister of the Victorian process. They are facing similar problems of changed demography and loss of students to the private system. But that was a process that went to the communities and said, "If you had to make changes and you had to reduce your spending, what would you do?"

In a way, the government did that and school communities on their own in an isolated group worked together to do that. They have suggested the cost savings, the innovations. It worked for some but it did not work for others. Basically they were set against each other, instead of working together to look at, say, what would have been good in south-east Belconnen and what would have been good in north-west Belconnen, and how we could have developed education in Tuggeranong. If we had asked those kinds of questions and started from there, we might have had something that was really going to work. As it is, the government is definitely going to be doing a big patch-up job for the next year.

We are hoping that things will be looking pretty good by the next election. My advice to schools is: do not give up; there is another election; some schools will still be open by then. For others, hopefully the buildings will still be available. If a school is working it is worth fighting for, no matter how big it is and no matter how many active parents there are.

I think the ACT has been well served by its public system. I certainly would never have gone anywhere else for my children. I am proud of the way they have come out of the system. I hope this generation that is going to be affected by these closures also has the opportunity to come out with good outcomes.

MR STEFANIAK (Ginninderra—Leader of the Opposition) (4.33): At last we know what the government is doing in relation to this. I start by saying that the big problem all along was the way it was done. Thirty-nine schools were fingered and then there was consultation. There was a huge amount of angst in the community. There will still be a huge amount of angst, and there is a huge amount of disruption, despite what the minister says, in terms of arrangements for next year, simply because of the timing of all of this: right at the end of the school year. It could all have been done very differently.

If the government was intent on closing schools it should have gone through an open consultative process. It should have had discussions with schools, assessed, used proper data and taken the school communities into its confidence before it made any

decisions. That is a way of actually taking people with you. Yes, there will always be some disappointed people, but that would have been a much fairer way. What would you have lost if you had done that? You might have lost six months or a year, but at least you would not have caused the absolute disruption and angst you have caused to the school communities.

During the six months, the school communities, the P&Cs and the save our schools groups constantly showed up the government data as inaccurate. The proposal was cobbled together. Despite the fact that this is an improvement on the initial panic version back on 6 June, there are obviously still some huge problems with it. On 13 April there was no indication that anything like this would happen. I do not think the government itself had any real idea of what it was going to do. It is all to do with the functional review; it is all to do with the report by Mr Costello, which we will probably never see—we will probably see that when the cabinet papers come out after about 10 years—and which led to the panic decision of 6 June.

I think both Dr Foskey and Mrs Dunne have made some excellent points. In the short time available to me I will not go into those where I can possibly avoid doing so, but it is worth while putting some comments on the record. Dr Foskey has gone through it rather slowly. I will do it quickly and then highlight a few problems with what has happened here.

In Belconnen at the end of this year McKellar preschool and Flynn primary will close. At the end of 2007, Cook primary, Cook preschool and Page primary will close. Hall primary school will close at the end of this year, 2006, but not, it seems, the preschool. Melba and Copland will be a twin 7 to 12, basically with current arrangements operating on campus. Of course we already know about Higgins and Holt. There was an announcement last year in relation to the superschool.

There will be no closures in north Canberra. Obviously, Dickson College will be very relieved, as will Campbell, being a 7 to 10 school. In South Canberra only the Causeway preschool will close. Weston Creek loses Rivett preschool and primary school and Weston Creek primary school at the end of this year. Melrose primary school will close at the end of this year. In Tuggeranong we have Mount Neighbour primary school, and there is Tharwa primary school. Macarthur preschool will close in 2007, along with Village Creek primary school. Kambah high school will close in 2007, but there will be a new superschool in 2011. Village Creek preschool will close by the end of 2010.

We wonder what criteria were used. We might find out about that. Yes, there will be some relieved schools. One wonders whether there was any logic to it, whether it was those who yelled the loudest or what the reason was. Clearly this is a pretty sad day for education. As Mrs Dunne pointed out, you do not save much money through school closures. The minister has indicated a huge injection of additional funds now, with his Kambah superschool of \$54 million.

Some of the schools that have been rerieved are the larger ones, which obviously cost more to run. You may have saved some more money there if that was indeed your primary aim. At the end of the day the anticipated savings for the government are minuscule. Is it worth the dislocation? Is it worth the educational problems this

will cause? Far from redressing the one per cent drift each year to the private school system, quite clearly this will accelerate it. We are seeing here an ignorance of history and some incredibly stupid decisions in relation to some of these schools.

It might have been Dr Foskey who mentioned the small schools of Tharwa and Hall. Tharwa first started educating children in this area in 1899. Hall has been going continuously since 1911, before Canberra was even founded. Those schools are the heart of their respective communities. Indeed, Hall school is not a particularly small school at any rate. Those communities, I think, will be devastated. Your savings there are absolutely minuscule.

Cook primary school will be closed, although it was reprieved back in 1999. It has 91 per cent capacity. The rest of the building is being used very effectively by other groups. It is a very vibrant school community. I commend the Cook primary school community on their demonstration and the points they have been making outside over the last few days.

There will be some very disappointed people—and for what? For a scheme that was very hastily cobbled together, that had a rationale put to it after the decision was made. There is now some backdown, but the government is going ahead with some of that original decision. I think this is a sad day for education in the ACT.

I dread the dislocation we are going to see in 2007 for the students of those schools that will close at the end of 2006. Yes, quite obviously, from what I have heard going around the communities, there is going to be a lot of dislocation. There are in fact going to be a number of additional expenses such as demountables having to be put up. You will scratch your head and wonder why some of these schools closed in the first place.

Dr Foskey says it is not too late for the government to reconsider. I suppose it is not. It is an arrogant government that probably will not reconsider, but I would ask it to reconsider. We have made our position quite clear. Yes, in the past we closed some schools, but we did so with proper community consultation, not after a ridiculous process like this.

Mr Barr interjecting—

MR STEFANIAK: We have put forward criteria, which you have rejected, on how to properly consult the community and how to take the community along with you.

Mr Barr: That one cuts you down every time: Charnwood high on one month's notice.

MR STEFANIAK: By the way, Mr Barr, in a way you have saved Mount Rogers. That was indeed the result of an amalgamation of two school sites by us after extensive community consultation and before that decision was made.

Mr Barr: Tell me about Charnwood high and the one month's notice halfway through a school year.

MR STEFANIAK: There were 39 schools that you indicated would close without any consultation at that stage. Even after six months you are still stating that you are going ahead with 23. Don't you talk to me about Charnwood high school.

Mr Barr: You don't want to know, do you?

MR STEFANIAK: You were not around then. They had options. None of these schools had any real options. You have made an arbitrary decision. We have made quite clear what we will do. The schools listed for closure at the end of 2008 could be saved. We would have a moratorium from 2008 to 2012. We would not initiate any school closures.

We have indicated to the community that if it were viable—in other words, if you had not bulldozed the site and there were the necessary community support—we would bring schools back and we would establish the fund I mentioned earlier in relation to that. I hope that would at least give the community some hope. That is a far more sensible policy than what you have done here. This is a very sad day for public school education in the ACT.

I think we all realise, and the community realises, that demography changes, that there will be a need for some schools to change, and that there will be a need for new schools to be built. But where you have gone appallingly wrong is in arrogantly, arbitrarily and illogically making a quick decision which you have tried to justify with some educational gobbledegook using eight or nine different models, many of which I see you are not proceeding with now. After six months of compulsory discussions with the community, which you had in accordance with the Education Act, you have now come up with this.

Government members interjecting—

MR STEFANIAK: We put to you great criteria of how to go about this process, which you have rejected several times this year. We have indicated that we will bring that back. It is a procedure which the P&C, the AEU and the school communities accept. It shows you how to consult. You have ignored that. You have arrogantly closed these schools. You have caused an immense amount of needless angst to many people. That is not going to go away. That will continue, in many instances, over the school holiday period, as parents desperately try to work out what on earth they are doing next year. You have caused further angst with your plans further down the track in relation to some of these other schools. It is a misguided policy. It does not serve education well. This is a sad day for public education. (*Time expired.*)

Debate (on motion by **Mr Corbell**) adjourned to the next sitting.

Standing orders—suspension

Motion (by **Mr Corbell**) agreed to, with the concurrence of an absolute majority:

That so much of the standing orders be suspended as would prevent order of the day, executive business, relating to the proposed censure of the Shadow Minister

for Planning and Infrastructure and the proposed expression of grave concern against Dr Foskey, being called on forthwith.

Shadow Minister for Planning and Infrastructure; Dr Foskey Motion of censure; expression of grave concern

Debate resumed.

MR SESELJA (Molonglo) (4.45): Mr Speaker, I am speaking to Mr Mulcahy's amendment, which really does go to the heart of why this motion is a complete stunt. Members of the Labor Party are saying today that the opposition can ask questions, just not questions that the minister does not like, and that if you get too close to the bone, they are going to move a motion of censure against you. We had the Chief Minister saying this morning that this is the only time that this has been done, but Mr Mulcahy has pointed out that it is not.

I draw the attention of the Assembly to the last time they did it. It was about another issue that went very close to the bone, the issue concerning the attempts to shut down the coronial inquest, the claims of bias against Maria Doogan which went very close to the bone for Jon Stanhope. He did not like the criticism that was coming. When Mr Stefaniak, in that instance, dared move a motion against the Chief Minister, the Chief Minister turned around and had Mr Stefaniak censured for daring to keep him accountable by bringing that motion forward, so we are seeing really just another part of the pattern.

This government clearly has been under pressure on this issue and the minister has not liked it. He certainly has not liked today's coverage of the issue as it has not been as favourable as he may have hoped for. So, instead of trying to have a genuine debate in the Assembly, we are seeing the use of numbers by the government to say that it is right. Mr Corbell presented absolutely no evidence in support of his case. That is why Mr Mulcahy brought forward this amendment, which goes to the heart of the issue. No evidence was presented in support of this motion. No evidence was presented as to where I may have misled the Assembly.

MR SPEAKER: You should confine your remarks to the amendment. You have already spoken to the motion.

MR SESELJA: I am to the extent that that is why this amendment has been brought forward, Mr Speaker. Not one misleading statement was pointed to by the planning minister and his effort really was quite pathetic. What he pointed to and what the Chief Minister pointed to was that it was really about the vibe of what was being said. That was the essential argument. They could not point to anything specific. They pointed to a couple of questions in a press release, but there was nothing in this place that they could point to that was even vaguely misleading.

It is important that this amendment be agreed to simply because it is the right of members to keep the government accountable. It is the right of members to put forward arguments, to ask questions and to scrutinise, and I am proud of the work that I have done in this area in keeping the government accountable. It is simply because

this minister has been under such pressure that he has turned around in this thin-skinned way in order to try to get some traction back on this issue. His attempt to do so has been pathetic. This amendment would fix it. I am sure that it will not be supported, but it should be supported by this government.

We know that many members who are going to vote for the motion do not actually believe what it says because the case simply has not been made. It has not been made in any way, shape or form. This minister has started out on the attack and has really ended up embarrassing himself and embarrassing this Assembly. It will be an embarrassment when this motion passes because a completely untrue, unfounded statement will be affirmed by this Assembly, by the Labor members of this Assembly, and they stand condemned for that.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (4.48): Mr Speaker, I am closing the debate. Mr Speaker, through you to Mr Seselja I say that self-praise is no praise at all. Today we have had the unedifying spectacle of the Liberal Party quickly changing tack on what were the key issues in dispute on this matter, because today in this debate we have not heard from Mr Seselja or from any of those opposite any reiteration of the positions that they put over the last six months.

They have not mentioned the question of value for money. That has no longer been the issue at the core of their debate. They have not mentioned preferential treatment, even though for the last six months that has been at the core of their debate. And they have not mentioned the marketing of the site, even though that was also at the heart of their debate. Instead, all we have had from the Liberal Party has been, “No, no, no. Our emphasis is on some minor administrative matters around customer service.” It is about customer service and ACTPLA’s customer service manual. Isn’t it shocking, Mr Speaker, that the Auditor-General found that there was a breach of ACTPLA’s customer service manual? So we have gone from whether the taxpayer got value for money, whether there was appropriate probity on the site and whether there was preferential treatment to there being an appalling breach of ACTPLA’s customer service manual.

Mr Speaker, the opposition have challenged me in this debate to highlight issues within the Assembly as well as outside of it. We all know the tenor of the questions that Mr Seselja and others have been asking for the past six to nine months, but I draw Mr Seselja’s particular attention to a statement he made in the Assembly on 23 August this year. I think it was during the adjournment debate. In that he outlined his arguments, which were all about value for money, all about marketing, all about probity and preferential treatment. Mr Seselja has tried to pass off his behaviour in this place as though he just asked a couple of questions. Not at all, Mr Speaker; not at all. I draw Mr Seselja’s attention to what he said in the adjournment debate on 23 August. He said:

Why was one prospective bidder getting different treatment and different answers ...

Mr Seselja claims that one bidder got preferential treatment. That is what that means. That is clearly what it means.

Mr Seselja: Did I say “preferential”? I said “different”.

MR SPEAKER: Order, Mr Seselja!

MR CORBELL: Mr Seselja went on to say:

This, to me, appears to be quite outrageous. It is outrageous ...

He does not ask the question; he says it is outrageous that two different bidders seeking clarification got different answers and one got preferential treatment.

Mr Seselja: They did get different answers. It is on the record.

MR SPEAKER: I warn you, Mr Seselja. No more interjections.

MR CORBELL: Mr Seselja said to me that it appears to be quite outrageous. That was the ongoing tenor of the questions and the comments he made inside and outside this place. These were not innocent questions. These were not about soliciting more information. These were all about trying to besmirch the reputation of our planning officials, of our planning agency, of our Land Development Agency and of the planning scheme in the ACT.

I draw members’ attention also to what Mr Seselja said on WIN television on 29 August this year. He said, “We’ve had a marketing undersell, we’ve had different messages going to different bidders and now we have an independent report that says the two sites won’t be viable.” The Auditor-General dismisses that. The Auditor-General says that there was no marketing undersell. There was no marketing undersell, Mr Seselja, and you know it, and you have not said a word about that since the Auditor-General’s report came down.

Mr Seselja: Why didn’t they mention it? Why didn’t they mention it? Not once.

MR SPEAKER: Do you really want to be named, Mr Seselja? I have warned you. Do not tempt me.

Mr Seselja: Sorry, Mr Speaker, I did not hear the warning.

MR CORBELL: He was too busy interjecting, Mr Speaker. Let’s go finally to the issue of what Mr Seselja believed were the fundamental questions before the Auditor-General’s report came down. I draw his attention to his comments in the Assembly on 24 August this year. He said:

... the fundamental question goes to whether or not the people of the ACT got maximum value for money through this process.

On 24 August, Mr Seselja believed that was the fundamental question, that it went to whether the people of the ACT got maximum value for money through this process. What does the Auditor-General say, Mr Speaker? The Auditor-General says that we

did. We got well above the market value as assessed by her independent valuer. Mr Seselja went on to say:

The fundamental question which the minister has not yet answered is: why did not the LDA focus, in all of their advertising, on the fact that you could have lots of small retail, up to 3,000 square metres?

Again, Mr Seselja's fundamental question on 24 August was: why wasn't it marketed properly? That was his question then. What does the Auditor-General say now? The Auditor-General says that the marketing was appropriate. I again draw members' attention to the issue of the marketing itself and I draw members' attention to the findings of the Auditor-General on this matter. As to the marketing process undertaken by the LDA, the Auditor-General said:

Given the potential growth in the bulky goods retailing sector in Canberra and potential sound investment returns to the Territory, LDA put the EpiCentre site for sale with a marketing strategy targeting bulky goods, developers and purchasers.

She went on to say:

... there is no evidence to suggest there was a lack of interest from suitable developers as a result of LDA's advertisement and marketing strategy.

She went on to find:

... Audit considers that it was unlikely that an alternative marketing strategy could have attracted significant interest from developers pursuing a traditional shopping centre-type development.

The fundamental questions that Mr Seselja had on 24 August were that there was a major problem with the marketing strategy. The fundamental problem and fundamental question that Mr Seselja raised on 24 August were about whether we got maximum value for money. Those were the fundamental issues then. Has he mentioned those today in his defence? Has he raised those as being vindicated on these matters? Has he sought to justify the arguments which he put time and time again in this place on those questions? No. All of a sudden, he says, "I did not say any of those things. No, it wasn't about that. That wasn't the issue. No, the issue was about whether or not there was good customer service." Mr Seselja should be embarrassed. He should be embarrassed, Mr Speaker, and he should apologise to this place.

Mr Seselja should be censured. He should and must be censured because he used the processes of the Legislative Assembly to make misleading and untrue claims. He made those claims inside the Assembly and he made those claims outside the Assembly. It was not just a couple of questions. It was an ongoing and deliberate campaign to undermine, discredit and smear the planning process when it came to the sale of this site. Let's remember what the Auditor-General has found in relation to the sale of the site. In her first finding, she asks:

Was the sale conducted fairly with appropriate accountability?

Her finding reads:

The sale of Block 8 Section 48, Fyshwick was in general conducted fairly and with appropriate accountability separately by LDA, as the vendor agency, and by ACTPLA, as the planning regulator ... There was no evidence of any actual or perceived conflict of interest, nor of any intention by the LDA to mislead or restrict potential bidders.

ACTPLA afforded no preferential treatment to Austexx or to any other potential purchaser.

That is the answer to the fundamental questions asked by Mr Seselja on 24 August, the questions he now walks away from today, and that is why he stands censured on this matter. (*Time expired.*)

Question put:

That **Mr Mulcahy's** amendment be agreed to.

The Assembly voted—

Ayes 8		Noes 9	
Mrs Burke	Mr Seselja	Mr Barr	Mr Hargreaves
Mrs Dunne	Mr Smyth	Mr Berry	Ms MacDonald
Dr Foskey	Mr Stefaniak	Mr Corbell	Ms Porter
Mr Mulcahy		Ms Gallagher	Mr Stanhope
Mr Pratt		Mr Gentleman	

Question so resolved in the negative.

Amendment negatived.

Question put:

That **Mr Corbell's** motion be agreed to.

The Assembly voted—

Ayes 9		Noes 8	
Mr Barr	Mr Hargreaves	Mrs Burke	Mr Seselja
Mr Berry	Ms MacDonald	Mrs Dunne	Mr Smyth
Mr Corbell	Ms Porter	Dr Foskey	Mr Stefaniak
Ms Gallagher	Mr Stanhope	Mr Mulcahy	
Mr Gentleman		Mr Pratt	

Question so resolved in the affirmative.

Motion agreed to.

Petition

The following petition was lodged for presentation, by Mr Berry, from 267 residents:

Schools—closures

TO THE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that the proposals in the ACT government's *Towards 2020* document would result in:

- The suburbs of Spence, Melba and Flynn not having a primary school, and
- The ending of the opportunity for students in Spence and Melba to undertake their pre-school, primary, secondary and college education which are located all in the same suburb
- Increasing inequity and lack of choice in accessible schooling for primary aged students and their families in our suburbs.

The below signed petitions object to the government's proposal to close **The Mount Rogers Community School** and therefore request the Assembly to undertake measures which would avoid the above outcomes.

The Clerk having announced that the terms of the petition would be recorded in Hansard and a copy referred to the appropriate minister, the petition was received.

Emergencies Amendment Bill 2006 (No 2)

Mr Pratt, pursuant to notice, presented the bill.

Title read by Clerk.

MR PRATT (Brindabella) (5.04): I move:

That this bill be agreed to in principle.

Mr Speaker, today I have tabled the Emergencies Amendment Bill 2006 (No 2), the aim of which is to provide a clear-cut instrument that presents a strategic bushfire management plan and its attendant bushfire operational plans with true authority and clarity of purpose relative to bushfire prevention, bushfire emergency response, responsibilities and tasks.

The Emergencies Act needs to ensure that the SBMP incorporates all of the necessary elements. The problem as I see it with the Emergencies Act and the current version of the strategic bushfire management plan is that it does not provide the commissioner and his fire chief officers with the authority to make quick decisions for both laying down fuel hazard reduction targets and intervening to direct land managers to fix unmet targets or to fix the problems themselves.

For example, the strategic bushfire management plan did not, clearly, give the authorities the power or the confidence in December 2005 to direct the CEO of urban services to properly prepare fire breaks in and around, particularly behind, the Yarralumla brickworks. Yes, adequate 30-metre mown fire breaks existed west and south-west of the brickworks, but nothing was done about the 200 metres of uninterrupted waist high, cured grass running along the brickworks' northern boundary and through its eastern ruins right up to the back fences of residences.

Why did the authorities not have the authority, via the SBMP, to direct the CEO of urban services to broaden the vastly inadequate five-metre fire break along the residences' back fence line? Mr Speaker, I am outlining here an example of the problem that is not catered for or met with the current bushfire management plan. In fact, looking at that Yarralumla fire in 2005, I note that three properties were damaged and two destroyed as a consequence of a failure to manage the bushfire fuel problem in and around the brickworks. Why was this area not targeted within the bushfire management plan and an annexed bushfire operational plan?

In 2005-06, looking now at another concern that was expressed then by residents and by volunteers, why were not the many 1,000 metres of vastly inadequate five-metre wide fire breaks along urban services' urban edge not targeted in the bushfire management plan and the bushfire operational plans? Why were ACT parks adjacent to the urban edge—for example, around Tharwa and Hall, and the approaches to Black Mountain and Mount Taylor—not listed in the bushfire season for 2005-06 for hazard reduction and the development of bushfire buffer zones?

The answer is that the current legislation fails to lock in these issues. It fails to require the strategic bushfire plan, firstly, to lay down stronger powers and obligations around fuel hazard reduction as a general rule across the territory, including the power for the commissioner of the Emergency Services Agency and his delegates, the chief officer of the RFS and the chief officer of the fire brigade, to inspect and risk analyse all areas under their protection from the suburban edge through the bushfire abatement zone to the borders.

Mr Speaker, as a consequence of the previous point, the bushfire management plan as it is currently drawn up does not lay down obligatory fuel reduction targets and the target dates, including pre-season cold burns and intraseason tasks—for example, mowing or grazing—and it does not compel land managers to achieve those tasks. The bushfire management plan is a quite useful document. We have said that many times in this place. It is a useful document. It certainly is a lot better than what any government had in the ACT before 2003; there is no doubt about that.

It is a useful document. It is a guiding document. It certainly is a document that opens up debate and encourages people in the ACT—land managers, owners and authorities—to undertake preventive tasks. But it is more of a damn discussion document than an action plan that lays down clear benchmarks for people to achieve tasks on time before a bushfire season. That is the opposition's concern and that is why the opposition wants to see the bushfire management plan tightened up.

I turn to a couple of other areas in which we think the bushfire management plan fails. It does not lay down unequivocal standards for bushfire breaks along the urban edge, around specific vulnerable points and across differing regions and areas. It does not lay down the standard for acceptable levels of bushland and forest fuel tonnages allowed to remain generally as a rule and more specifically for each identified vulnerable area. It does not develop the arbitrary time lines by which the commissioner for the ESA and his delegates are to reconnoitre and inspect the territory in order to identify all preventive action tasking which must be undertaken by land managers, land owners, property owners, emergency services agencies, community fire units, police and other relevant government agencies.

It does not develop the arbitrary time lines by which all obligatory actions of land manager and owners must be completed. It does not really develop the guidelines by which the residents of vulnerable suburbs are kept informed about specifically identified vulnerabilities and hazards relevant to their suburb. We do not think that it directs the commissioner and his delegates to identify all bushfire operational plans required to be prepared as standard plans covering individual vulnerable suburbs or vulnerable suburban areas, settlements and points.

It does not direct the commissioner and his delegates to identify the need for and demand the preparation of any seasonal supplementary bushfire operational plans where the need may arise. It does not lay down guidelines for the preparation and approval of bushfire operational plans, two-year reviews of existing plans, upgrades to existing plans and any other plans that might need to be put in place for special occasions. Finally, we do not see within the operational plans, which really are attachments to the strategic bushfire management plan, anything which allows for confirmation of suburban warning systems and methods of warning for each suburb, settlement and vulnerable point and area.

The opposition believes that the SBMP and the BOPs should have these elements locked in place. The SBMP certainly covers many of these areas; there is no question about that. When you read through it you can see that it is a useful guide. It is a debating point and at least it allows the CO of the RFS and his brigade captains and the CO of the fire brigade and community fire units to read through it and maybe say, "That wouldn't be a bad idea. How about if we go and try on that little task."

It certainly covers most of those areas, but the opposition is saying that the SBMP should lock these things in place as measurable tasks and ensure that these things get done. Therefore, Mr Speaker, we are saying here today that this legislation we are tabling, the amending legislation, is a move to rectify these areas and will lock these measures in place. I must apologise to the house because one or two minor elements have been overlooked. I will seek to amend them before we get to debate the bill in detail just to polish it off, but we want to see all of the areas I have listed covered by legislation.

We think that the government would have a better instrument than what is a reasonable instrument now and the authorities would be that much more empowered to provide preventive planning measures for making the community a safe place. Another point, Mr Speaker, is that the SBMP that we have now is in draft form,

volume 2, and the opposition says that the bushfire management plan must be a finalised document, not a draft document in perpetuity. We do not think that that is useful. Of course, with these things you will have flexibility to update the plans as needed. We believe that a final document as a concrete action plan must be put in place and that plan should be reviewed and updated on a regular basis.

Mr Speaker, we do not think that the Emergencies Act 2004 gives full responsibility and full authority to senior emergency management leaders in the ACT, and by that I mean the commissioner down to the SES, RFS or fire brigade captain or incident control manager. We want to see their authorities strengthened and made a lot clearer. We are moving to do that with this legislation. In many places the commissioner and chief officers certainly have to do certain things under the SBMP and those issues are quite clear, concrete and firm, but in far too many places throughout the plan there are statements that the commissioner and his chief officers may act in certain areas. I am saying that the aim of this bill is to replace “may” with “will”.

We want to see a bushfire management plan that states that the commissioner, the chief officers, the brigade captains, the SES captains and the fire brigade incident control managers will carry out tasks. That is what they want to do. They want to have that authority. They want to know that they will have to do something. If the management plan and the bushfire operational plans state that the officers in our emergency services will do something or must do something, they would know that there is an expectation and they would know that the community realises that they have the authority, as opposed to saying that the commissioner may think about doing this or he may think about doing that.

A couple of examples in the Emergencies Act do concern me. For example, section 71 says that the commissioner may declare a bushfire abatement zone and that the commissioner may, after consulting with the conservator and the planning and land authority, declare an area to be a bushfire abatement zone. We pay the commissioner a hell of a lot of money to make a determination, after he has consulted with all of the stakeholders, with the minister’s backing and we want to strengthen the SBMP so that he can do that.

I will give a quick example of what has happened in recent weeks with the bushfires around the country when there was a breakdown in communication and action. I refer to the example in New South Wales of the Baradine-Pilliga fire about two weeks ago. In an incident which has been well chronicled the local RFS captain was desperate to put in a fire break in the middle of the Pilliga region after a lightning strike had started a fire. He knew that he had to move quickly to contain that fire. Unfortunately, he could not get approval in time from the New South Wales parks authority. He could not get approval to put the fire break in because the authority said that there were endangered species in that particular area and asked him to wait until the following day before putting in the breaks. By the time the following day appeared, the whole damn area had been burnt out. I understand that, according to the New South Wales opposition spokesman on forests, lots of endangered species were killed in that period. That fire got away, got way out of control and disappeared. Those sorts of examples still exist in New South Wales. We do not have those problems here, but we do want to make sure that we will never have those problems anyway. A strengthened strategic bushfire management plan would ensure that that would not happen.

Mr Speaker, there are a number of areas where the plan must be tightened. We want to see citizens and land managers having very clear understandings of their responsibilities—you and I as occupants of properties on the urban edge and owners of five-acre blocks—and we want to ensure that the CEO of the Department of Territory and Municipality Services fully understands that he has a number of bushfire operational plans for the length and breadth of the urban edge, that his budget is \$X million for hazard reduction through the winter and spring and that he must complete in time the tasks according to the management plan and the BOPs.

We want to see clarity there. We want to see responsibility achieved by all of our responsible officers. Further down the chain, we want to ensure that the emergency officers, the people I have listed before, know very clearly what their tasks are. We want to see more delegation to brigade and SES captains and fire brigade officers. We want them to be given the job of going out into their areas of responsibility and identifying the hazard reduction tasks that are going to need to be done. We want that power to be given to our officers to go and determine those things well in advance of a bushfire season.

Whilst the existing SBMP indicates that these things should happen, we are saying that we should lock these analysis tasks in place and delegate them further down the chain of command and give brigade captains that authority to do their job and report back to their COs. We also think that, coming from the bushfire operational plans, you would be able to prepare brochures for residents of suburbs, particularly vulnerable suburbs, with information specific to those suburbs about the bushfire hazards in their areas.

I come to the point now of saying that we want to see more bushfire operational plans prepared. I understand that a handful of bushfire operational plans are in service at the moment and they tend to revolve around the land managers that are now given responsibility under the ACT governance system. The opposition believes that there should be many more BOPs prepared and they should be prepared for smaller vulnerable areas. For example, a vulnerable suburb or a group of vulnerable suburbs would have their own BOPs designed and the purpose of those BOPs would be to lay down the preventive tasks that must be done before the bushfire season, to lock in place the way that emergency services will respond in time of a bushfire and to lay down issues of relevance. For example, the bushfire operational plan for the Duffy-Chapman area would lay down the evacuation routes, depending on the bushfire scenario; secondly, where the waterholes might be, if there are any; and, thirdly, where the routes are that emergency vehicles can use and which gates have to be unlocked. We believe that these things need to be detailed in a bushfire operational plan for a particular area so that when the brigade captain or incident control officer arrives on the scene and picks up the plan they have got a fair idea where they have to go.

Turning to the terms of the legislation that we have tabled today, proposed section 71A relates to hazard reduction tasks and lists the responsibility for the preparation of those tasks, proposed section 74 (2) lays down a benchmark for what we believe the bushfire breaks should look like and their width, and proposed section 74 (2) (a) lays down the maximum level of fire fuel to be allowed. We might

come back with an amendment which quantifies how many tonnages of fire fuel per hectare can be allowed before something has to be done. That is the opposition's plan. In proposed section 74A bushfire breaks are again detailed. In proposed section 78 we go into more detail about the bushfire operational plans, who does them and by when they must be prepared. Mr Speaker, the opposition commends this legislation to the Assembly and asks the government to look at it and support it.

Debate (on motion by **Mr Corbell**) adjourned to the next sitting.

Planning—EpiCentre lease

MR SMYTH (Brindabella) (5.25): Pursuant to standing order 127, and at the request of Mr Seselja, I fix the next day of sitting for the moving of this motion. Unfortunately Mr Seselja has gone away to a function, and due to the late hour of the day and the length of previous debates we have been unable to get to this motion.

Childcare—reform

MS PORTER (Ginninderra) (5.26): I move:

That this Assembly:

- (1) notes the recent report of the House of Representatives Standing Committee on Family and Human Services entitled Inquiry into Balancing Work and Family; and
- (2) requests the Minister for Disability and Community Services to call on the Commonwealth Government to reform its child care policies for the benefit of the families of the ACT.

The House of Representatives Standing Committee on Family and Human Services recently released the report of their inquiry into balancing work and family. The inquiry lasted 18 months, held a number of public hearings and received 225 submissions, including submissions from the Centre for Child and Family Development, Relationships Australia, the ACT Council of Social Service, Professor Patricia Apps, the Australian Institute of Family Studies, Ms Gallagher as the former Minister for Industrial Relations, Professor Fiona Stanley and Professor Barbara Pocock. The inquiry made 19 recommendations.

While I am not necessarily happy with some of the recommendations of the report and I hope the commonwealth government will take a sensible and equitable approach to balancing family and working life and to childcare reform as part of that balance, I am pleased at finding that the commonwealth is seriously looking at childcare. I am pleased to see childcare on the front page of newspapers and as the top story on radio and television news bulletins, for a change. I am pleased that, as a nation, our attention has turned, albeit briefly, to the difficulties parents and families face in juggling their work, their children, their families and, with any luck, some time out to stay sane.

Of course, my main concern in bringing this matter to the Assembly today is for the families of the ACT and that childcare policies and reforms benefit working families and working parents in the ACT. Many women, in particular those in their 20s, 30s and 40s, have been sold a certain picture of how their life should look. Sometimes this was by other women, sometimes by the media, sometimes by society and culture at large, and sometimes even by their own mothers. Women have been told that they should be able to have a successful career, have beautiful children, keep their handsome husband happy, host dinner parties, volunteer at the school canteen, make a casserole for the soup kitchen, do soccer and ballet runs on a Saturday morning—and go to the gym!

We tell women that they must have it all and be fully involved in community and family life in order to be considered worthwhile contributors to our society and to our community. That is asking for the impossible. We tell women that if they do not have it all, and they are not fully involved in the community and their family, they are doing our community a disservice. For many women this is an absolutely ridiculous expectation. Firstly, it requires substantial finances. Secondly, that is an awful lot of activity to fit into one week. It is unreasonable to expect women to have it all and be fully involved in family and community life without doing something about balancing work and family life to make this easier to manage.

Virginia Haussegger, in her 2005 book *Wonder Woman*, notes:

In May 2004, an OECD study found Australians to have “some of the least family-friendly policies for working mothers in the developed world”. In terms of “the generosity of family support”, Australia ranked way down towards the bottom of the OECD scorecard, next to Mexico and Turkey, but even those countries scored higher on the issue of paid maternity leave. These findings are a disgraceful admission and should be a source of red-faced embarrassment to our government and business bodies.

Many men have been sold an equally unattainable picture of how their life should look and the sorts of things they should be able to juggle with ease: to be a good dad, you need to participate in sport with your children, go to school interviews, volunteer for community organisations and take a fair share of home duties. I am sure other members in this place could add to the list. This kind of pressure is frightening for both men and women. The pressure affects us in different ways. Our relationships, our families, our working lives, our productivity and our sense of self can all suffer. There can be major effects on our mental health, and indeed the general health of the community.

The 21st century demands a great deal from families. Currently, as far as I can see, up until now the federal government has not made it any easier to meet those demands. One can easily understand that the impetus for much of the commonwealth government’s work, and indeed the inquiry into balancing work and family, is to find ways to increase female work force participation. In fact, the commonwealth government wants everybody back at work if at all possible—those with family responsibilities, those with disabilities, women who have been widowed. Even though we have a very low national unemployment rate, female work force participation in particular has become targeted and very important.

Bronwyn Bishop, the chair of the work and family services committee, said in a recent statement:

The decisions women make about what to do with their skills and experience are going to have a major effect on Australia's future economic survival.

Access Economics modelling commissioned by the committee found that if there are no further increases to women's workforce participation, or even if increases are limited to part time participation, we are going to see Budget shortfalls even greater ...

In short, we need to make work and life easier to balance not just because women and families are running out of steam but for the future stability of the Australian economy. Good economic management needs to consider how to make life easier for families. Furthermore, it is not even just about the health of our economy. For the commonwealth government, it is also about a return on investment. The commonwealth believes it makes an enormous investment—although I believe it could do more—in the education of women at both TAFE and university levels. It funds apprenticeships and traineeships. If the commonwealth is going to expect a return on that investment, it must make working and having a family easier to manage.

Work and life balance is no longer something only the left wing keeps on about; nor is it the exclusive domain of the women's rights movement. Work and family life balance is an economic imperative. It is about return on investment; it is about the future health and stability of our economy; it is about the physical and mental health of our mothers, fathers and grandparents; and it is about caring appropriately for our children.

For many families, part of balancing work and family is about appropriate, available and affordable childcare. But the childcare system in Australia needs reform, and it needs reform now. Childcare costs are expensive. For many families they are more than the second wage-earner's entire pay packet. It is not unusual to hear of families spending upwards of \$500 a week per child. That comes to well over \$25,000 a year—not a small amount of money for many families.

The House of Representatives committee has recommended that the federal government make childcare costs tax deductible. However, there are a number of problems with this proposal. The committee commissioned Econtech to look at the options the committee considered. It found that only families with individual incomes above \$75,000 will benefit from tax-deductible childcare. This is not an equitable arrangement. This will not, of course, make juggling work and family life easier for individuals who earn less than \$75,000.

The Australian Taskforce on Care Costs clearly states that with tax deduction there is always a greater benefit to high income earners. Labor members of the committee, in their dissenting report, state that tax deductibility is simply welfare for the wealthy. Liberal MP Louise Markus, in a clarifying statement, says that the tax deductibility status of childcare will allow high income earners to obtain greater assistance for childcare costs than that available to low and middle income earners. She states:

... this proposal does not meet the standards of fairness expected by the community.

Mrs Markus continues:

Uncapped tax deductions that favour the wealthy could create market distortions such that providers might be inclined to service wealthier people at higher cost on the basis that they have a deduction, rather than servicing middle and lower income families who have less capacity to pay. Over time uncapped deductions are likely to push up fees, which may impact unfairly on low and middle income earners.

Male total average weekly earnings are currently at around \$950 a week, amounting to around \$50,000 a year. If only individuals earning over \$75,000 will receive any sort of benefit from tax-deductible childcare and the average wage is \$50,000, it is clear that middle Australia will be left out in the cold by tax-deductible childcare.

Econtech found that tax-deductible childcare was no real incentive to encourage women to increase their work force participation, so tax deductibility will not persuade women to return to work and it will not encourage women to increase their working hours. If this is the case, we must seriously question the motives of the policy that would introduce tax-deductible childcare.

If increasing female work force participation is an economic imperative, surely childcare reform must not only be equitable but also suit the needs of all families and all parents. Tax-deductible childcare will not suit the needs of all families and all parents. Tax-deductible child care is bad for middle Australia and it is bad for the economy. The Australian Taskforce on Care Costs stated in the *Australian* last week that parents want cash in hand reimbursement for childcare expenses, not an end of the year tax deduction.

The task force quoted modelling of the Melbourne institute that shows that cash in hand reimbursements will encourage more women to enter the work force. The scheme the Melbourne institute suggested—that is, a 50 per cent immediate reimbursement for all parents regardless of income, capped at \$10,000 a year—would be more expensive, but surely the benefit of an equitable investment in childcare would outweigh the cost to the federal government. The Melbourne institute's scheme is only one proposed solution, but it highlights what is possible when creative thinking is employed. I do not believe that tax-deductible childcare only is in the best interests of people in the ACT. The economic benefits of an increase in female work force participation—which can be achieved only by making work and family life easier to balance for all and by making appropriate childcare equitable, affordable and appropriate—is the policy that we are looking for.

Parents, families and the community in the ACT need good childcare policy reform. I call on the commonwealth government, through the Minister for Disability and Community Services, to reform childcare policy in an equitable and fair way to the benefit of these parents and these families, and indeed for our children.

MR DEPUTY SPEAKER: Under standing order 43, Mrs Burke, I am going to allow you to remain seated.

MRS BURKE (Molonglo) (5.38): Thank you, Mr Deputy Speaker and members. The Liberal opposition supports the major thrust of Ms Porter's motion, recognising the commonwealth government's attempts to ensure that childcare policy and any necessary reform will be placed higher on the agenda to ensure that families and their children continue to see improvements in the sector.

I commend Bronwyn Bishop and her committee on their work to date. There is no doubt that young couples wishing to start a family must make some serious decisions about their financial, social and career choices. Balancing work commitments and having a family has fast become a major policy issue for federal, state and territory governments. A part of this is the facilitation of the growth of the childcare industry and actual facilities on the ground, complemented by the development of sound policy at the federal level, backed up by financial incentives for people to have the best possible environment, both at home and work, to have children.

I am very cognisant of the impact that placing children into care has on women over time. Most of us would know that women continue to remain the primary carer for children in the household. As Ms Porter so ably spoke about and illuminated, women wear many hats—I think that is the expression. In turn, if women are to discontinue working or engage in part-time or casual work, this can most certainly impact on earning capacity and superannuation. I do believe that this needs further investigation. More incentives must be made to women to assist during certain periods, especially in the first few years after a child is born, when a mother may not be working, to ensure that her financial future is still certain.

A major point made during the inquiry, and one which is of the greatest concern to me, is that over time the states, territories and commonwealth have been disputing who maintains responsibility for services in the sector for parents of children with a disability. I agree with the committee that it is discriminatory to continue to not offer a level of services to children with a disability that is equitable compared with those afforded to other children.

I also believe that the states and territories cannot continue to pass the buck back to the commonwealth. There is a time for taking responsibility here. The commonwealth's approach is measured and positive: it seeks, through the work of the committee, to work with the community. Within our society here in the ACT, we have developed normal social expectations about paid maternity and paternity leave and about flexible working arrangements. It is important for our community that we see further reasonable reforms to the childcare sector so that there is a clear level of equity between genders in terms of responsibility for raising and caring for children and that women are given the best possible chance to pursue education and career prospects.

Finally, I reiterate that I support the major thrusts of Ms Porter's motion, which seeks government reform for the childcare sector, which of course must happen at state, territory and federal levels.

DR FOSKEY (Molonglo) (5.42): Ms Porter's motion presumably provides an opportunity to repeat a lot of things about WorkChoices, Welfare to Work and middle-class welfare and why the federal government has got that wrong. I agree with much of Ms Porter's position. But what I found most interesting is not the Standing Committee on Family and Human Services report into balancing work and family itself, but rather the letter to the Speaker of the House of Representatives from the Labor deputy chair of the committee, Julia Irwin, articulating some of the aberrations of process that occurred in its preparation. It shows us what can happen when governments feel that they are not answerable to a wider parliament, such as occurs when a government has a Senate majority. Perhaps it is a lesson for this house too. With the Assembly's indulgence, I want to take this opportunity to read that letter: It states:

Dear David

referring to the Speaker of the House of Representatives, the Hon. David Hawker—

I am writing to express my grave concerns about many aspects of a parliamentary inquiry and the ensuing report, stemming from the unprofessional conduct of the committee chair.

As raised with you this morning, Labor members of the Committee on Family and Human Services are deeply disappointed by a variety of actions and decisions taken in recent weeks by the Member for Mackellar—

that is, Bronwyn Bishop—

Chairperson of the Committee's inquiry into balancing work and family.

The final report as agreed by the committee on Monday—necessarily in the absence of Labor members—is likely not to reflect the views of the committee as a whole. I say likely rather than certainly only because at the time of writing I have been denied access to the final report or even the latest draft.

I wish to bring to your attention the following matters.

1. Labor members of the Committee, including the Deputy Chair, have been denied access to the final report as adopted by the Committee in our absence on Monday 4 December.
2. Economic modelling on key recommendations of the report, commissioned by the Committee and paid for by the taxpayer (at the price of \$17 000), was delivered to my office at 10:30 am this morning but had not been circulated to other Labor members of the Committee at the time of writing.
3. This information has been provided to Liberal members.
4. Labor members of the Committee have been insulted by the decision of the Chair—acting outside her powers—to enable them to merely 'view' the consultant's report in her office or in the office of the secretariat,

despite Liberal members of the Committee being given copies to take away.

5. The Chair told me an untruth about access to the consultant's report—she claimed in conversation with me on the evening of Tuesday 5th December that Liberal members of the Committee had not been given copies of it, and they had.
6. The Chair has harassed the staff of the secretariat, imposing completely unreasonable deadlines on them, as well as unreasonable restrictions on their obligations to other committee members.

I note for example that committee members have received emails from secretariat staff after midnight. Staff have been required to work excessive hours for many weeks. The Chair has also directed the secretariat to withhold information on a partisan basis that all committee members are entitled to, which has clearly put a great amount of stress on the staff.

The Chair's unconscionable treatment of the secretariat staff is chillingly ironic, given that we are conducting an inquiry into work and family balance.

7. Labor members of the Committee are unable to receive secretariat assistance in preparing a dissenting report, because the Chair's demands are already forcing staff to work around the clock. Labor MPs are not prepared to increase the massive burden and stress on the secretariat staff by asking for assistance with a dissenting report, despite being entitled to do so.
8. Labor MPs have been given a deadline of 2 pm on Thursday 7 December for a dissenting report or comments, despite not being provided with a copy of the final report. It is impossible to write a dissenting report without access to the report. It is manifestly unreasonable to be expected to write a dissenting report—

Ms MacDonald: I raise a point of order, Mr Deputy Speaker. Under standing order 58, a member shall not digress from the subject matter of any question under discussion. I draw Dr Foskey's attention to the subject matter of Ms Porter's motion. It is not about the process that took place within federal parliament; it is actually about childcare. It would be appreciated if Dr Foskey would come back to the subject matter of the motion.

MR DEPUTY SPEAKER: Dr Foskey, I will allow you to judge at this point. If you think you are drifting away from the axis, please—

DR FOSKEY: Frankly, I think it is up to you to make a ruling, Mr Deputy Speaker.

MR DEPUTY SPEAKER: I am not ruling at this point that you have drifted, but should you think that were the case—

DR FOSKEY: I am going to continue to speak in the same vein, so I shall end it right there. I actually thought that I was making a contribution to the debate. I think there was an issue about how the report came into existence.

MR DEPUTY SPEAKER: I do not think you are not, Dr Foskey, but just keep an eye on it. That is fine. Thank you.

DR FOSKEY: I was going to go on to indicate other anomalies in the process and to say that the report, as it was presented and as it was given to the media, was released on the Friday before the weekend, most likely at a time when all the members of the committee were not able to see it. In that case, it cannot be seen as a report that represents all views of the committee. I believe that, if we are discussing a report like that, it is relevant to mention it. I feel that I have said enough about it. No doubt Labor members know all about it already and do not particularly want anyone else to.

MR DEPUTY SPEAKER: I must say, Dr Foskey, that, looking at the motion, I am quite comfortable that you are referring to the report that is encapsulated in this motion.

MS GALLAGHER (Molonglo—Minister for Health, Minister for Disability and Community Services and Minister for Women) (5.50): I will be brief because I imagine we would like to finish debate on Ms Porter's motion today. I do not want to come back for half a speech in February.

This is a really important motion. The Senate report has missed an opportunity to offer some real solutions to the work-family balance—across the country, not just here in the ACT. A number of organisations have made repeated requests for the federal government to take leadership on the issue of work-family balance. Instead, the federal government has decided not to pursue those ideas.

It was a real shame that the Australian Industrial Relations Commission family test case provisions, which were accepted into awards, were overturned by the WorkChoices legislation. They included the quite reasonable right for an employee to request certain leave provisions and the employer's obligation to not unreasonably refuse. It was a pretty commonsense way of dealing with some of the issues that working families experience, but we have lost that one for the time being. European countries, particularly the UK, are showing real innovation in terms of their policies and legislation for work-family balance. The federal—

Mr Mulcahy: They've done well in Germany, haven't they? They just about wrecked their economy.

MS GALLAGHER: Well, you can speak about that, Mr Mulcahy. But let me look at some of the conditions. Australia and the US are the only OECD countries without a national paid maternity leave scheme. This is something that the ALP has wanted to see for some time. There should be a national maternity leave scheme providing 14 weeks paid maternity leave at no cost to small business.

In the UK, the British government has gone beyond the 14-week minimum. From April next year the Work and Families Act will see men entitled to six months unpaid paternity leave. The act increases paid maternity leave from six months to nine months, with employers reimbursed by the state. It also introduces a few new provisions, such as keeping in touch days, which allow a woman on maternity leave to go into work for a few days without losing her right to maternity leave, where the employer and the employee agree. There is a two-month notice period for women changing their return date from maternity leave—for example, if they would like to return early—and there is a provision that employers can make reasonable contact with their employees on maternity leave to help them with planning and ease a mother's return to work.

So there is a range of changes happening across the world. It is a shame that the Senate report did not provide a way forward for us here—in Australia generally, but also in the ACT. I think it was an opportunity lost. I agree with Dr Foskey that the process around the report was obviously flawed, but there is a dissenting report from the Labor members of the committee. However, Australia is way behind in its childcare policies.

I agree that the states and the commonwealth should work together. It does not necessarily mean that we should accept all the costs from the commonwealth or that the commonwealth should accept all the costs from us. There is an opportunity to work together, but we really need to move away from the 1950s approach and into the modern world. The current arrangements are not working for working families; they need to be modernised. Every country in the developed world other than Australia seems to be able to do it.

MS PORTER (Ginninderra) (5.54), in reply: I thank members for their contributions. I agree with Ms Gallagher that we are way behind the eight ball with regard to childcare policy and that there are many models across the world that we could be fruitfully considering and introducing. I also agree that every time we raise a matter about the commonwealth government in this place it appears that the opposition want to say, "But of course it is not the commonwealth government's fault; it is the fault of the states and territories, because they are not cooperating."

I suggest that this committee has lost an opportunity to recommend some sound, innovative and up-to-date policies—policies that will be equitable for all families and all parents and that will assist all children, not policies that are just going to assist one section of our community; that is, the wealthy and those who can perhaps already afford to make other arrangements.

We again have recommendations and policies coming out of the commonwealth government that suggest to us that the wealthy, those who are already well off, are benefited and that those who are not wealthy can just hang fire. They say, "One day we might actually come to you, but at the moment it is the trickle-down effect." Trickle down? They say, "At some stage or other, what we do for the wealthy will eventually get down to you poor people who happen to be at the middle or the lower end of the scale." The trickle-down effect has always been the policy of the conservative federal government. And what happens? It does not trickle down.

I also thank Dr Foskey for her contribution to the debate. I was not quite sure where she was going with it. I think she missed an opportunity to contribute positively to this debate. I think that is a real missed opportunity by Dr Foskey. I thank everyone for their contributions.

Motion agreed to.

Adjournment

Motion (by **Mr Hargreaves**) proposed:

That the Assembly do now adjourn.

Handy Help ACT

MR MULCAHY (Molonglo) (5.57): This afternoon I would like to inform the Assembly about the wonderful work undertaken by Handy Help ACT. In my role as opposition spokesman on matters for the aging I recently sought a briefing with Handy Help ACT. I am sure that other members are familiar with its work, but it was valuable for me to learn more about this non-profit organisation that is committed to helping frail, aged and younger people with disabilities and their carers maintain their independence.

Recently I had the opportunity to meet with Mr Ken Day of Handy Help and he briefed me on the hard work that is undertaken by this organisation. Handy Help assists these people in maintaining their independence by providing help around the house, enabling them to continue living at home rather than being forced into an institution such as a retirement home or a hospital. As I remarked in my meeting with him, I think his services will become even more crucial as our community ages and there is insufficient institutional or retirement home care for those needing support services in their later years.

For that reason Handy Help fulfils a vital role and I believe it will continue to fulfil an increasingly important role in years to come. The demographics of Australia are changing as the baby boomer generation moves toward retirement, and increasingly more pressure is placed on traditional nursing homes. Handy Help is a superb example of how we can find intelligent solutions to the growing challenges of an aging population. The organisation gives older people the freedom to keep living at home while receiving assistance with household chores. It increases their quality of life while reducing the pressure on nursing homes.

Handy Help provides four different in-home support services: volunteer home and yard maintenance, contract home and yard maintenance, lawn mowing and home modifications. Handy Help uses volunteers to provide much of its home and maintenance service, and these volunteers work hard to enhance the security and safety of a client's home by performing jobs such as mending fly screens and replacing light globes. Handy Help also uses tradespeople for work that requires qualified skills such as plumbing and electrical work. These contractors perform a

variety of jobs, including clearing blocked sewerage pipes, repairing lights, roof tiling, and repairing essential household items.

A lawn mowing service is provided by Handy Help to ensure houses are kept neat and tidy, an area that is proving more challenging, in particular, for older citizens. Home modifications are also provided to eligible homeowners who have physical problems related to daily living. These modifications could include the installation of mobility aids such as ramps, step railings, and bathroom modifications. The home care concept used by Handy Help is an alternative way to combat the growing challenge of aged care. In 2005 Handy Help assisted over 2,100 clients, an increase in over 300 from the previous year, with a total of almost 15,000 hours of service.

The organisation is facing increasing costs due to number of factors. Handy Help increasingly has had to rely on contractors because of volunteer reductions and stricter insurance rules that require qualified contractors to perform more jobs—a problem about which I am sure Ms Porter is well aware. Increasing costs are also associated with a general increase in contractor charges, as well as the substantial increase in clients. Despite these financial challenges and significant fluctuations in staff numbers during the year Handy Help has operated with minimal disruption to services.

Handy Help is looking to continue in the future to successfully provide services to an increasing number of clients through cost-saving methods such as the consolidation of resources. I take this opportunity to recognise and congratulate Handy Help staff for their hard work in providing essential home services to the residents of Canberra and, in particular, to frail, aged and younger people with disabilities. I am sure that its work is valued by the entire Canberra community and by members of the Assembly.

Motorcycle charity run

MR GENTLEMAN (Brindabella) (6.01): On Saturday my Assembly colleague Ms Porter and I were fortunate enough to participate in the 26th annual Motorcycle Riders Association toy run. Thirty years ago motorcycle clubs around the world decided to coordinate charity rides to gather toys and food just before Christmas. Today about 100,000 riders in Australia participate in these toy runs.

At Christmas time every year motorcyclists in Canberra collect donated toys and non-perishable food which are then distributed to needy families by the Smith Family and the Salvation Army to brighten the lives of those less fortunate in our community. It must be remembered that Christmas time is not a relaxing and enjoyable experience for every family. Families that struggled to make ends meet throughout the year suffer great anxiety around Christmas time as they are not able to afford presents for their children or even provide a special meal to share with family members.

The toy run is a great chance for people with a passion for bikes to put something back into the community, which demonstrates the true spirit of Christmas. These rides not only provide us with a chance to raise awareness of the struggle for some members of our community; they also give us a chance to highlight road safety. The Motorcycle Riders Association spends a lot of time and energy in drawing attention to road craft and road safety. On one Saturday every month it provides instructions to

riders on their novice rides and on the Sunday that follows it provides instructions to riders on their motorcycle awareness rides.

On these rides I have witnessed on many occasions road craft instruction that I am confident has saved lives. These skills should be used every time we use the road, whether it be on a bike, as a pedestrian or in a vehicle. We must be aware of others and the road around us. I would like to mention some outstanding individuals and groups on the 2006 run who should be congratulated for their efforts. I thank Malcolm Stewart and Dave Payne from the Motorcycle Riders Association once again for organising a fantastic event that attracted a record number of riders, recorded I think at about 1,000 this year.

Peter and Robyn Major, stalwarts of the MRA, provided on-the-ground logistic support and assisted in the auctioneering of Shrek. Vivian, who celebrated 10 years at the toy run, organised postmen from Canberra and Queanbeyan to take part in the event. Vivian has now retired but I hope she is able to attend the event again next year. Supporters like Action Motorcycles, Robbo's, Gecko and Joe's Motorcycles all provided prizes for charity winners.

Further acknowledgment should go to Garry Sykes for his donation of Shrek and for his support for the Harley Owners Group. I thank the Australian Federal Police for ensuring that riders had a safe and friendly ride to the city. Finally, special thanks go to the Smith Family and the Salvation Army who will be distributing \$3,000 in cash donations and a 10-tonne pantechnicon truck filled with toys to those less fortunate this Christmas. Well done to all.

Electric Shadows Victoria—election

DR FOSKEY (Molonglo) (6.04): I draw attention to the Electric Shadows picture theatre which closes its door for the last time today. Sadly, it is not taking that name with it to the new site; it is adopting the more nationally known title of Dendy cinemas. Electric Shadows picture theatre is a place to which we have all been at least once in our lives. I have certainly been there many times. When I first came to Canberra it was wonderful to find a movie theatre like that. Members will remember that, for a while, it also ran the Centre Cinema before it was taken over by the Academy night club.

Electric Shadows always screened good quality films that were not in the popular circuit. If we had had only Hoyts and Greater Union we would never have seen films such as *Amelie*, which screened for months, *The Motorcycle Diaries*, the film about Che Guevara, or a lot of other marginal films that might not have made a lot of money—some of them did—but that were always well attended. So my thanks go to Andrew Pike. I wish him and those who go with him to the new venue all the best. I hope that the new luxury theatres, including the theatre with a bar, do not outprice the kinds of people who so enjoyed Electric Shadows—a fantastic name for a movie theatre.

I now want to update people on the Victorian election results. Under the Victorian system, like the Hare-Clark system, it can take a long time to count the votes. I want

to inform members of the results, primarily the preference deal done by both major parties, which again made the mistake of believing—as perhaps they did at the 2004 federal election—that Family First would not get across the line. Nonetheless, with only 1.9 per cent of the vote Steve Fielding is now in the Senate.

We now have the DLP of old which most people thought had died. The DLP has two seats in the upper house of the Victorian parliament. People would be aware that for the first time ever there is proportional representation in Victoria, and that has the potential of delivering a parliament that is reflective of the basic make-up of the community. There is no doubt that that would not have happened if the DLP had to get in on its first preference votes. In northern metropolitan the DLP got in with 5.1 per cent of the vote and in western Victoria it got in with 2.6 per cent of the vote. Quite clearly the Labor Party's preference deals got the DLP over the line.

We will witness an interesting situation in Victoria where a new and modern Labor Party now has to deal with a flank that it threw off or pulled itself away from many years ago. The assumption was that the DLP, which had become irrelevant, had rolled over and died, but apparently that is not the case. In fact, it has been given oxygen by the party that has most to lose from its presence, that is, the Australian Labor Party.

Schools—closures

MRS DUNNE (Ginninderra) (6.09): Today there has been discussion in this place about school closures, so I will take off my hat as shadow minister for education and put on my hat as a parent. One of the amendments to the school amalgamations policy today—in many ways it is a small tragedy but presumably it is of no significance to Mr Barr—was Mr Barr's decision to take steps that would significantly undermine the Italian bilingual program at Lyons primary school.

Lyons primary school, which is a small school, has been threatened with closure on a number of occasions. Before I, as a parent, came to be associated with Lyons primary school—and this is probably the reason I am there now as a parent—the communities decided they needed to do something to address falling enrolments. They looked at their strengths and their weaknesses and discovered that they had some huge strengths when it came to the Italian language. So they put together a program that was highly praised by eminent linguists across the country and highly supported by Dr Joseph Lo Bianco, one of the great advocates of bilingualism and language education in Australia.

The program that was put together has now been running at Lyons primary school for its second full year as an immersion bilingual Italian program. In the small print of today's proposal it is sad to note that at some stage Mr Barr proposes to move the bilingual program to another unspecified school, therefore possibly losing its central location which makes it attractive to people. If the program is moved from Lyons in that process what effect would that have on the survival of an emerging program?

I remind members of the Assembly what Mr Barr said about the Lyons primary school program on 7 June this year. I referred to particular programs in schools facing closure or amalgamation and asked him what support would be offered to bilingual programs at Telopea and Lyons. He said, amongst other things, that he thought the

key factor in strengthening public education would be strengthening the gifted and talented programs as they operate across the territory. When referring to the question about Lyons primary school Mr Barr said, "I am absolutely committed to the continuation of that program." That commitment lasted for only six months.

Today's decision means it is highly probable that it will be impossible to continue to run the bilingual program after 2009 when Lyons primary school becomes a P to 2 school. One of the parents asked me today where that idea came from. I do not know. Presumably the minister pulled it out of his hat. On the subject of P to 2 schools, today I was asked by a number of people, "Where is the logic in that process?" The minister says he is in favour of investing money in early childhood education. I challenge any member of this Assembly to put up their hands if they are not in favour of that. It is like being in favour of motherhood.

Taking half a dozen schools and cutting off their prospect of having a viable enrolment by saying that they can only enrol children between the ages of four and seven is not good education policy. What happens to those children at the end of that process? Everyone is in favour of substantial investments in early childhood education. We do not know whether the early childhood education proposal put forward by the minister today, which is ill-thought out, will be in the best interests of the children of the ACT.

Every primary school and every super school will still have to invest in early childhood education. Why has this new system, which will result in dislocation in our families, been brought into being? People will have one child at Lyons and another child at a different school, or they will have one child at Isabella Plains and another child at a different school. Another issue of considerable concern to opposition members is: What impact would this have on indigenous programs, which are now operating successfully in Narrabundah primary school, when Narrabundah primary school becomes a P to 2 school in 2009? That issue was not really discussed at all in the *Towards 2020* proposal. This afternoon the P to 2 school issue came out of nowhere; we were given no warning.

Valedictory

MS MacDONALD (Brindabella) (6.14): As tonight is the last opportunity this year for me to make a speech in the adjournment debate I thought I would give my fellow members a virtual Christmas or Hanukah gift. As a believer in adult and community education I would like to give a virtual gift voucher for a short course. The vouchers come with some ideas for courses that members might find enjoyable and useful. For you, Mr Speaker, I looked for a course on how to stay awake in meetings but I could not find one. Instead you might like to obtain a chainsaw operation certificate to keep us all in line. Alternatively a course entitled "Practical Carpentry for Home Building" might assist, given the state of this Assembly building.

For the Chief Minister it is a toss up between a course on landscape garden design so he can assist with planning for the arboretum, or a course on understanding and using his dreams. For Mr Stefaniak I thought a course in beekeeping or one on navigation, coastal might help him in dealing with his party room. Dr Foskey obviously would enjoy a course in ministerial writing and the benefits of learning what a ministerial

letter is. A course on how to develop writing techniques to write an efficient and effective ministerial would assist her immeasurably.

For Ms Gallagher I thought a course on fire twirling would help her in the health portfolio. As well as mesmerising VMOs it would have the added benefit of keeping young Charlie amused. A course entitled “Discover your Psychic Intuition” is my pick for Mrs Dunne. That way she would be able to anticipate the next knife that was coming for her back. Mrs Burke would appreciate a course in Australian sign language, or Auslan 1. It would be good for her vocal chords but it might be a bit of a challenge for Hansard.

For Mr Smyth it was a toss up between a course on knife sharpening or one entitled “How to Debone Chicken and Legs of Lamb.” I thought Mr Corbell would gain from bringing his body, mind and spirit into sync with a course entitled “Tai Chi for Beginners.” If he finds that too boring he might like to participate in “Getting Started in Real Estate.” Mr Hargreaves might like to assist the budget of the Department of Territory and Municipal Services by undertaking lawnmower maintenance because he already knows how to find fish in south coast estuaries.

For Mr Barr a course entitled “Juggling for Beginners” would be the go. As Mr Seselja expressed doubt about the problem, I thought he might enjoy “Climate Change—What is the Story?” Mr Mulcahy would get lots from “Basic Budgeting”, but if it all fails to work out, I suggest “Finding New Life and Career Directions”. Mr Pratt must undertake a course entitled “Cryptic Crosswords—Crack the Code” and, to assist him with his photographs of long grass, “Forensic Photography”.

Mr Gentleman could probably run all the courses in car maintenance but he might get something from one entitled “History of Brewing—a Journey down Lager Land from Pre-history to Present Day.” For my hard-working friend and colleague Ms Porter I suggest that she undertake a course entitled “Work and Life—Finding the Balance.” Finally, I would undertake a course entitled “Winning Interview Skills.”

I hope everyone has a restful break. I am looking forward to recharging my batteries. I would like to mention one other thing. Tomorrow, Brendan Scott will receive his PhD in medical science. Eight years of research and writing produced *Evolution of the Gerbich Negative Allele of Glycophorin C: Co-evolution of malaria and its human hosts*. It is a real page turner. Seriously, words cannot express how proud I am of my husband on his very significant achievement. While he has not found the cure for malaria he has definitely contributed to an understanding of this terrible burden on many of the world’s poorer communities.

Mrs Helen Cross

MR PRATT (Brindabella) (6.18): Tonight I speak briefly about Helen Cross, a colleague and former member of this place who is travelling a bit roughly at the moment. I live just around the corner from Helen in the same neighbourhood. As a Christmas gesture I thought it would be worthwhile to alert members to the fact that she is not travelling well and to wish her all the best in the future. In the past few months she has been in and out of hospital half a dozen times.

Without going into the detail of her condition she is travelling pretty damn roughly. In some ways she never quite recovered from being sacked from my party in 2002. I and a number of other members had a role to play in that. At times the rough and tumble of this place is quite extraordinary. Helen, Vicki and I were cohorts in the 2001 election intake as we were all new to the place. Helen would be the first to admit that she brought about a number of those problems but, unfortunately, because of the way in which parties work, she also became the target of some pretty rough stuff.

As I said earlier, I was one of her colleagues who participated in extracting her from the party. I have become wiser about the way in which things work and I have begun to understand that things move in mysterious ways, so I am a little regretful about those events. Recent shenanigans in my party have probably only served to remind Helen of all those bad memories. However, I have said enough about all that. For all her complexities I believe Helen Cross is a very good-hearted person. She played a pretty effective role at the last multicultural festival. She has marketing skills, she is bigger than life, she is pretty colourful and, as I said earlier, she is good-hearted. Consequently, I wish her well and all the best for the future. I hope that she recovers.

Dr Paul Grimes

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts) (6.21): Tonight I take the opportunity to acknowledge the contribution to the territory of Dr Paul Grimes, one of our finest public servants, during his tenure as Under Treasurer to the ACT Treasury. From time to time we gild the lily on occasions such as this when acknowledging the role and skills of particular individuals, but I have to say that I have not worked with a more competent or professional official than Dr Grimes.

It has been a pleasure for me to have as Under Treasurer of the ACT Treasury a person of Dr Grimes's absolute professionalism. I have never met or worked with a more professional public servant than Dr Grimes. On every occasion that I have had dealings with him he has been professional, enormously competent and an absolute adornment of the ACT public service. He was indispensable during a year of incredible change and through the most difficult and confronting budget that any ACT government has ever brought down. Dr Grimes's professionalism, expertise, experience, intellect and capacity were very much a part of that period of change and the delivery of a significant budget.

Dr Grimes looked to his future, as all career public servants should. He has been approached by the commonwealth and offered a very significant promotion as deputy secretary to the commonwealth Department of Finance and Administration. I applaud any career-oriented public servant who maintains a healthy interest in advancing his or her career. In my early days in the public service it was put to me by one of my supervising officers that every public servant should always aspire to advancement and promotion—something I have encouraged all public servants and officers to do. I certainly encourage all those who work in the ACT public service to do so.

Dr Grimes has been approached by the commonwealth to take up the position of deputy secretary to the commonwealth department of finance, the third most senior position in a financial or economic sense that is available to any treasury official anywhere in Australia. It is a credit and a testament to Dr Grimes's capacity, reputation and professionalism that the commonwealth sought to approach him to ask him to take up the third most senior economic position in the commonwealth.

In light of that—and I hate to introduce a rather sour note—it disappoints me enormously that Mr Mulcahy, the shadow treasurer in this place, took the opportunity of this significant appointment, a significant testament to Dr Grimes's capacity, worth and professionalism, to seek to make political capital out of the fact that the commonwealth wished to appoint an ACT public servant to a most senior position, somehow suggesting that Dr Grimes was running away from something, that he did not achieve the job on merit and that it is not a promotion to which he should have aspired.

Mr Mulcahy is making some tawdry political capital by seeking to besmirch or question the basis on which Dr Grimes chose to leave his position as Under Treasurer to the ACT Treasury and to take up a position as deputy secretary—a more senior position than the position he occupied, a real promotion, and something perhaps to which Dr Grimes had aspired all his life. However, it seems as though nothing is too low for Mr Mulcahy. He used every opportunity available to him to sully and sour this most significant day—the appointment to a new position of a fine, outstanding career public servant. Mr Mulcahy is seeking to make some tawdry political capital out of Dr Grimes's significant achievement.

Mr Mulcahy, in his press release, asked the rhetorical question, “What is it that caused Dr Grimes to leave his position and to seek to move on?” We are all asking that same question in relation to Mr Mulcahy's departure from his position with the Australian Hotels Association. We believe that the answer to Mr Mulcahy's departure from his position with the Australian Hotels Association might be revealed in a secret report that he has sought to cover up. It is a pity Mr Mulcahy felt the need to besmirch a public servant in this way.

Question resolved in the affirmative.

The Assembly adjourned at 6.26 pm.